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Ontario

ENVIRONMENTAL ASSESSMENT BOARD

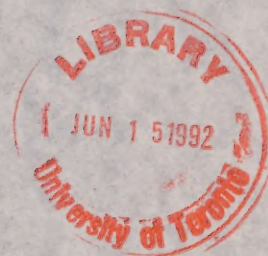
VOLUME: 386

DATE: Tuesday, June 2, 1992

BEFORE:

A. KOVEN Chairman

E. MARTEL Member



FOR HEARING UPDATES CALL (COLLECT CALLS ACCEPTED) (416)963-1249

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ASSOCIATES &
REPORTING INC.

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ENVIRONMENTAL ASSESSMENT BOARD

VOLUME: 386

DATE: Tuesday, June 2, 1992

BEFORE:

A. KOVEN Chairman

E. MARTEL Member



FOR HEARING UPDATES CALL (COLLECT CALLS ACCEPTED) (416) 963-1249

FARR &
ASSOCIATES
REPORTING INC.

(416) 482-3277

2300 Yonge St., Suite 709, Toronto, Canada M4P 1E4

HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental
Assessment for Timber Management on Crown
Lands in Ontario;

- and -

IN THE MATTER of a Notice by The Honourable
Jim Bradley, Minister of the Environment,
requiring the Environmental Assessment
Board to hold a hearing with respect to a
Class Environmental Assessment (No.
NR-AA-30) of an undertaking by the Ministry
of Natural Resources for the activity of
Timber Management on Crown Lands in
Ontario.


Hearing held at the Civic Square, Council
Chambers, Sudbury, Ontario on Tuesday,
June 2, 1992, commencing at 8:50 a.m.

VOLUME 386

BEFORE:

MRS. ANNE KOVEN
MR. ELIE MARTEL

Chairman
Member



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A P P E A R A N C E S

MR. V. FREIDIN, Q.C.)	MINISTRY OF NATURAL
MS. C. BLASTORAH)	RESOURCES
MS. K. MURPHY)	
MR. B. CAMPBELL)	
MS. J. SEABORN)	MINISTRY OF ENVIRONMENT
MS. N. GILLESPIE)	
MR. R. TUER, Q.C.)	ONTARIO FOREST INDUSTRY
MR. R. COSMAN)	ASSOCIATION and ONTARIO
MS. E. CRONK)	LUMBER MANUFACTURERS'
MR. P.R. CASSIDY)	ASSOCIATION
MR. D. HUNT)	
MR. R. BERAM		ENVIRONMENTAL ASSESSMENT BOARD
MR. J.E. HANNA)	ONTARIO FEDERATION
DR. T. QUINNEY)	OF ANGLERS & HUNTERS
MR. D. O'LEARY		
MR. D. HUNTER)	NISHNAWBE-ASKI NATION
MR. M. BAEDER)	and WINDIGO TRIBAL COUNCIL
MS. M. SWENARCHUK)	FORESTS FOR TOMORROW
MR. R. LINDGREN)	
MR. D. COLBORNE)	GRAND COUNCIL TREATY #3
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MR. J. IRWIN		ONTARIO METIS & ABORIGINAL ASSOCIATION
MS. M. HALL		KIMBERLY-CLARK OF CANADA LIMITED and SPRUCE FALLS POWER & PAPER COMPANY

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MR. Y. GERVAIS)	ONTARIO TRAPPERS
MR. R. BARNES)	ASSOCIATION
MR. P. ZYLBERBERG)	NORTHWATCH COALITION
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MR. G.J. KINLIN		DEPARTMENT OF JUSTICE
MR. S.J. STEPINAC		MINISTRY OF NORTHERN DEVELOPMENT & MINES
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I N D E X O F P R O C E E D I N G S

<u>Witness:</u>	<u>Page No.</u>
<u>FRANK KENNEDY,</u> <u>JOHN McNICOL; Resumed.</u>	66491
Continued Direct Examination by Mr. Freidin	66491
Cross-Examination by Mr. Lindgren	66559

I N D E X O F E X H I B I T S

<u>No.</u>	<u>Description</u>	<u>Page No.</u>
2256	One-page overhead entitled: How Does MNR Report on Achievement of Non-Timber Objectives in RPFO.	66492
2257	Overhead entitled Silvicultural Ground Rules for Normal Operations, Current and Hypothetical Revision.	66497

1 ---Upon commencing at 8:50 a.m.

2 MADAM CHAIR: Good morning. Are we ready
3 to get started, Mr. Freidin?

4 MR. FREIDIN: Yes.

5 MADAM CHAIR: Please go ahead.

6 FRANK KENNEDY,
7 JOHN McNICOL; Resumed.

8 CONTINUED DIRECT EXAMINATION BY MR. FREIDIN:

9 Q. I would like to go back to a subject
10 matter that we discussed yesterday.

11 Mr. McNicol, yesterday you were speaking
12 in relation to objectives and strategies and one of the
13 Board questions which may not have been addressed
14 specifically is issue No. 4 as raised in their letter
15 of May the 11th, 1992, and that question was: How will
16 MNR describe the results of achieving objectives of
17 other resource management programs.

18 I am just wondering, Mr. McNicol, whether
19 you could provide an answer to that question perhaps by
20 way of an example or two?

21 MR. McNICOL: Mr. Waring, can we have the
22 overhead, please. I believe we have some copies of
23 this overhead.

24 MR. FREIDIN: This overhead perhaps
25 should be marked as another exhibit, Madam Chair.

1 MADAM CHAIR: The single sheet, Mr.
2 Freidin?

3 MR. FREIDIN: Yes.

4 MADAM CHAIR: This will become 2256 and
5 it is a one-page overhead entitled How Does MNR Report
6 on Achievement of Non-Timber Objectives in RPFO.

7 ---EXHIBIT NO. 2256: One-page overhead entitled How
8 Does MNR Report on Achievement of
Non-Timber Objectives in RPFO.

9 MR. McNICOL: Madam Chair, Mr. Martel, if
10 I could take you first to Exhibit 2032, MNR's terms and
11 conditions, Appendix 8, item 1(j).

12 MR. FREIDIN: You find that at page 59.

13 MR. McNICOL: "Where specific non-timber
14 objectives were listed in the previous
15 plan, a discussion of the current status
16 in achieving those non-timber objectives
17 and the range of factors contributing to
18 the success or shortfall in meeting those
19 objectives."

20 I would emphasize the word discussion of
21 the current status and the range of factors
22 contributing to the success or shortfall in meeting
23 those objectives.

24 I would like to turn to two examples.
25 District Fisheries Management Plan, in the management

1 plan one of the objectives is to promote access to a
2 particular walleye lake to the recreational
3 opportunities for fishing. This is currently an
4 unaccessed waterbody.

5 The timber management plan is proposed
6 for that particular area. The timber management
7 planning team is cognizant of the objective in the
8 district fisheries management plan to access this
9 particular waterbody and through access planning is
10 able to provide the access that was deemed necessary in
11 the district fisheries management plan to promote that
12 recreational opportunity.

13 So the strategy in the timber management
14 plan had to do with providing access to facilitate the
15 achievement of an objective in an already existing
16 resource management plan.

17 Now, reporting on that, obviously, is
18 going to be a relatively simple matter. Access was
19 designed to achieve the access objective and barring
20 any unforeseen difficulties that strategy should be
21 achieved. They are not many factors that would enter
22 into non-achievement of that particular strategy.

23 Turning to a second example, moose.
24 There is a target. You remember the example from
25 yesterday, there was a target for a particular wildlife

1 management unit to produce a number of moose by a
2 certain call date. Habitat management is an important
3 component strategy for trying to achieve that target.

4 The timber management plan in that it
5 deals with forest manipulation is a good tool for
6 habitat provision and in providing habitat can help
7 achieve that particular target.

8 In the example yesterday, you remember
9 that we had a timber management plan that was planned
10 in an area of moderate capability. The strategy would
11 be to apply the guidelines rigorously in that area to
12 try to achieve a cut range size of 80 to 130 hectares.

13 In reporting on the achievement of that
14 strategy we would be looking to report on how well we
15 were able to keep within the 80 to 130 hectare size
16 range that was deemed to be the strategy in the plan to
17 help facilitate the achievement of this particular
18 target.

19 The number of moose that would benefit
20 from that particular strategy and that particular
21 timber management plan can be effected by a number of
22 other factors, and this is an important point.

23 One of the reasons why we do not develop
24 objectives for other non-timber resources in the timber
25 management plan is that the timber management plan is

1 dealing with the achievement of timber management
2 objectives. Other resources are affected by a whole
3 range of other factors that are beyond the control of a
4 timber management plan.

5 In the case of moose, hunting, predation,
6 illegal harvest; a number of other factors can
7 contribute to the failure in this case or even the
8 success of a particular strategy beyond habitat
9 manipulation.

10 MR. FREIDIN: Q. Mr. McNicol, are those
11 provisions or that provision that you have described in
12 Section 1(j) of Appendix 8, is that a change from the
13 position which was originally taken or is that a change
14 in terms of the kinds of discussions that one will find
15 in a timber management plan?

16 MR. McNICOL: A. Previously there was no
17 commitment to deal with non-timber objectives in any
18 manner in a timber management plan.

19 So this is a new provision to try to deal
20 with concerns that have been expressed by a number of
21 different parties with respect to the treatment of
22 non-timber objectives in a timber management plan.

23 Some parties have suggested that we
24 should be doing much more with respect to developing
25 objectives for non-timber resources in timber

1 management plans.

2 MNR again states the position that a
3 timber management plan is to deal with timber
4 management objectives. This is a means for addressing,
5 to a certain extent, the achievement of non-timber
6 objectives existing in other plans and reporting on how
7 the strategy developed in a timber management helps to
8 facilitate the achievement of those objectives as they
9 deal with manipulation of forest cover.

10 Q. Another matter carrying over from
11 yesterday for you, Mr. Kennedy. At the end of the day
12 we were having a discussion regarding silviculture
13 ground rules and in particular a description of general
14 standard site types and reference to site types one
15 would find in silvicultural ground rules in timber
16 management plans.

17 Can you just spend a few moments and
18 compare or explain the difference between those two
19 things, general standard site types on the one hand and
20 site types that one would find in silvicultural ground
21 rules?

22 MR. KENNEDY: A. Madam Chair, if we
23 could enter this new overhead as an exhibit entitled
24 Silvicultural Ground Rules for Normal Operations,
25 Current and Hypothetical Revision. I believe that will

1 be No. 2257.

2 ---EXHIBIT NO. 2257: Overhead entitled Silvicultural
3 Ground Rules for Normal
4 Operations, Current and
Hypothetical Revision.

5 MR. KENNEDY: If I could also ask you to
6 turn to page 14 of Exhibit 2255, the series of
7 overheads that we prepared for Reply Panel 1. It's
8 page 14.

9 MR. FREIDIN: Q. Mr. Kennedy, before you
10 begin, when we are talking about silvicultural ground
11 rules for normal operations and we are looking at this
12 chart, is that what we basically find in Table 4.11
13 that we discussed throughout the hearing?

14 MR. KENNEDY: A. Yes, Mr. Freidin, you
15 are correct. What I have done here on this overhead is
16 taken Table 4.11 from the timber management planning
17 manual and simply reproduced it on the top half of this
18 exhibit, No. 2257.

19 I have then taken it and modified it to
20 show a new column which on the overhead is highlighted
21 in yellow and I have changed one heading on the second
22 column which previously read site description. I now
23 label it as local site type.

24 What I have done is shared some
25 preliminary thoughts that I have on how we may be able

1 to use the general standard site type in silvicultural
2 ground rules in the future.

3 You will note that I have labelled it as
4 a hypothetical revision and that I am not putting this
5 forward as a proposal, but I think it will serve as to
6 further illustrate the concept we might use in general
7 standard site type. The actual revision to the table
8 will await the work that will go on subsequent to the
9 hearing and we will revise the Timber Management
10 Planning Manual during the first year after the
11 approval.

12 I draw your attention to page 14 of
13 Exhibit 2255 in order to refresh your memory from
14 yesterday on the use of the phrases provincial jack
15 pine No. 1 and local jack pine No. 1.

16 We see in the top portion of the
17 silvicultural ground rule table where currently you
18 would see the heading of site description, the current
19 practice would be to record those sites that are found
20 on the management unit under the working group of jack
21 pine and you would list the various site descriptors
22 there under the headings of local jack pine 1, jack
23 pine 2, et cetera.

24 You will see in the bottom half of the
25 table that you carry -- that I carried forward local

1 jack pine 1, 2, 3, 4 and 5. What I have added in the
2 left-hand side to that column is this new column that I
3 call silvicultural guide, general standard site type
4 and in there I have made reference to provincial jack
5 pine 1 and provincial jack pine 3. Those two headings
6 would come from information contained in the
7 silvicultural guide.

8 So I hope that the presentation of this
9 exhibit, which is just some preliminary thoughts on how
10 we might use that in the silvicultural ground rule,
11 provides further clarification on the topic of how to
12 make use of the general standard site type found in the
13 silvicultural guide which would be recorded on the
14 silvicultural ground rule and then would allow linkage
15 back to the guide itself.

16 When we were discussing the mapping of
17 information yesterday, Mr. Martel, it is the local site
18 type information that would be recorded on the maps and
19 those maps are the areas selected for operation maps
20 that are prepared for the five-year term.

21 If there aren't any further questions we
22 would like to leave it at that.

23 MADAM CHAIR: Just one question Mr.
24 Kennedy, and that is, when we have talked about site
25 types before we have also linked that with our

1 discussion about the FEC site types and it is the
2 Board's understanding that the silvicultural guides
3 standard site types as hypothetically discussed here
4 and as they exist in silvicultural guides today have
5 some use of the FEC site types in them?

6 MR. KENNEDY: Yes, Madam Chair, you are
7 correct. Currently in our terms and conditions we do
8 require as part of the site description in the upper
9 portion of this table that there would be use of the
10 FEC classifications where they are available.

11 So as part of the local jack pine 1, as
12 an example, it would be common to see under the FEC the
13 vegetation types or the operational groups listed. It
14 would our intention to carry that information forward
15 into the revised plan as well.

16 MADAM CHAIR: When you said yesterday,
17 Mr. Kennedy, that it might take two years to revise the
18 silvicultural guides, were you talking about after the
19 FEC information base was completed and standardized
20 somehow or were you talking about work backwards and
21 just putting that information back into the existing
22 guide?

23 MR. KENNEDY: Madam Chair, I was
24 referring to an initiative that we have just undertaken
25 which is to complete the silvicultural guide series.

1 Our first efforts are going towards the
2 production of a new silvicultural guide, one for the
3 mixedwood working group - it is quite prevalent in the
4 boreal forest - as well as to subject our
5 silvicultural guides to a scientific review.

6 It is that scientific review that we
7 expect to take place over the next two years in order
8 to complete all five of the guides that are out there
9 now and in part of that revision we will incorporate
10 the new general standard site type approach to doing
11 business.

12 MR. FREIDIN: I suppose, just to make
13 sure there is no confusion, that particular exhibit,
14 the most recent one, in the yellow box perhaps should
15 say silvicultural guide general standard site type.
16 The word general is missing there, just to make sure it
17 is not confusing some time later.

18 Q. Now, Mr. Kennedy, I guess we left off
19 yesterday at the end of silvicultural ground rules.
20 Does that mean we are going to pick up with maximum
21 allowable depletion?

22 MR. KENNEDY: A. Yes, Mr. Freidin, it
23 does. If I could ask you to turn to page 16 of Exhibit
24 2255.

25 Madam Chair, I noted that in the Board's

1 issue statements there was a suggestion that we should
2 deal with MAD in our reply evidence. We prepared a
3 brief overview of the maximum allowable depletion
4 subject matter and I will just run through that now.

5 MADAM CHAIR: Excuse me, Mr. Kennedy.

6 The reason the Board asked for a brief address of this
7 matter is that we have been hearing about MAD for four
8 years now and we want to know if it is any different
9 than the thing we heard about in the first day of the
10 hearing.

11 MR. KENNEDY: Yes, Madam Chair, and I
12 think at the outside I can advise you that the very
13 basic approach to which we use to calculate the MAD for
14 the working groups is not different from what you have
15 heard at the beginning of hearing as presented by MNR.
16 There are a number of refinements to the proposal that
17 we put forward and I will run through those in the next
18 few moments.

19 So this is not a new proposal. We have
20 discussed MAD both in the Class EA document as well as
21 in our early evidence, specifically in MNR Panel No. 3
22 which was the basis for wood supply planning. We
23 discussed the origin of how we got to the point of using
24 the current model.

25 During our Panel 15 evidence, MNR

1 witnesses described the manner in which we apply the
2 MAD calculation as part of the timber management
3 planning process.

4 Our earlier version of our terms and
5 conditions did not address the subject matter of MAD
6 and in that regard it may be a surprise to some
7 individuals when they pick up a previous version and
8 pick up our most recent one from January the 6th, '92,
9 and see that topic mentioned and discussed in some
10 detail throughout the evidence.

11 Early on in the hearing there appeared to
12 us to be little or no interest expressed in the subject
13 matter and we thought that it was a level of detail
14 that just wasn't necessary or required in our listing
15 of terms and conditions and, hence, we didn't put it
16 in.

17 I believe that part of that was the
18 recognition that it was a requirement that was spelled
19 out in the timber management planning manual and the
20 actual management mathematics behind the calculation
21 are shown in the appendix in that manual.

22 However, forest regulation models
23 continued to be discussed throughout the hearing,
24 particularly from about the midpoint on as other
25 parties cases came forward and in that regard we

1 responded by preparing a certain term and condition
2 which is term and condition No. 22 which I have
3 summarized in the next overhead and we have also
4 included MAD discussions in other related terms and
5 conditions.

6 So if I could ask you to turn to page 17
7 of Exhibit 2255. This is a term and condition which
8 explicitly requires that each timber management plan
9 contains calculations of MAD for each forest unit or
10 working group for the entire rotation period.

11 These MAD calculations would be prepared
12 using the updated FRI information which I mentioned
13 just yesterday in relation to term and condition No.
14 12. It is most important to start the calculations
15 with an update information base that is updated showing
16 the results of previous harvesting, previous renewal
17 activities as well as natural disturbance.

18 So the term and condition 22 then would
19 require that the calculations be done for the entire
20 rotation. Earlier on in our evidence, Panel 15, there
21 was some cross-examination around that subject matter.
22 We have made that requirement explicit here.

23 We have also required now a full
24 description of the methodology that has been used in
25 the calculation of MAD. Again, during our earlier

1 evidence there was some suggestions that the MAD
2 calculation were very difficult for people to follow
3 and that we needed to make an effort to improve the
4 communication of that information to the public.

5 Hence, we have called for a requirement
6 now to graphically display the results of the
7 calculation and we believe it is those graphs that can
8 be a very useful communication tool to the general
9 public and, quite frankly, I find them helpful as well
10 in looking at the age-class distributions and how they
11 would follow the curve over the rotation period.

12 Additionally, we also require the
13 rationale for the chosen MAD. As you likely recall,
14 there are a number of MAD calculations that are
15 prepared for each working group for the entire rotation
16 using the different criteria and it is then necessary
17 for the planning team, particularly the forester, to
18 become involved in selecting one MAD calculation for
19 use in cutting the plans development and the rationale
20 for selecting that particular MAD is reported in the
21 plan.

22 We think that these changes then will
23 provide for a consistent approach across all management
24 units. It will be helpful for both reviewers and the
25 public to be able to look at information from plan to

1 plan. It could provide a cornerstone, if you will, for
2 a particular calculation.

3 I should point out the plan author is not
4 limited solely to the use of MAD. We do require that
5 MAD be used in the plan and discussed, but they are not
6 limited to that. If they chose to use other
7 calculation models they are quite free to do so. It is
8 possible that we would accept those. In fact, we do
9 have plans where we accepted other models for the MAD.
10 We ask for the MAD to be -- we ask for the MNR MAD
11 calculation to be performed for review and performance
12 purposes.

13 We also think that the changes in the
14 requirement to record specific information, display the
15 information in the plan will be helpful so that we have
16 more traceable decisions. There were concerns raised
17 early on that that information be fully available in
18 the plan.

19 MR. MARTEL: I think you just said that
20 other people can use other calculations but they have
21 to verify using the MNR model as well in addition to
22 the one they would be doing on their own. I am not
23 sure that makes much sense.

24 MR. KENNEDY: Mr. Martel, we are aware of
25 the fact that the forest regulation modelling is a

1 science which continues to evolve. There are many
2 other ways of calculating the amount of harvest level
3 that could occur management units.

4 We are aware that many individuals feel
5 that volume models are a more appropriate way to go.
6 However, based on our experience and our long standing
7 use of area regulation models and MAD models we require
8 that that model specifically be run and included in the
9 plan for comparison purposes. So this would limit
10 people from putting forward other information.

11 MADAM CHAIR: Mr. Kennedy, has the Board
12 seen examples of the graphs depicting the results of
13 the MAD calculation?

14 I think back to the kind of graphing that
15 Crandall Benson did with respect to his various MAD
16 calculations. Is that the sort of graphing you are
17 talking about?

18 MR. KENNEDY: Madam Chair, I am sure in
19 the course of the hearing we have seen graphs that
20 would be very similar.

21 You will recall Dr. Osborn having some
22 graphs in Panel 3 and 4 which I think would be similar
23 presentation material. I can't say I'm familiar
24 directly with the graphs put forward by Mr. Benson, but
25 I expect they would be the same if they were to show

1 the volume available over time. I think that they
2 would be very similar in content.

3 MADAM CHAIR: So what you are thinking of
4 is some sort of a bar graph or a very simple depiction
5 of this statistical information?

6 MR. KENNEDY: Yes, that's right. A
7 histogram that would the amount -- the volume of wood
8 for each working group available -- sorry, specifically
9 the area available would be for harvest and the
10 associated volumes for each working group throughout
11 the rotation period.

12 MR. FREIDIN: Q. Mr. Kennedy, you
13 indicated that you have this area regulation approach
14 and that is common.

15 Could you just comment on why the MNR in
16 fact require each plan to have a common approach, but
17 then providing the flexibility to in fact use other
18 models as well?

19 What's the reason for having a standard
20 requirement that it be done at least one way, the same
21 way in every plan as a starting position?

22 MR. KENNEDY: A. First of all, Mr.
23 Freidin, we do provide tools in which to assist plan
24 authors in preparing these calculations. It is not
25 that onerous a task anymore.

1 When I first got involved in timber
2 management planning it would take approximately one
3 hour to calculate one set of criteria for a model.
4 Nowadays if you have computer base modelling it is
5 possible to crank out a MAD run in less then ten
6 minutes, to very easily change your database and rerun
7 the model with different criteria in minutes after
8 having loaded your database. So it is not a real
9 onerous task in which to prepare these models anymore.

10 The reason that we require, though, the
11 use of that one model is for comparison purposes, both
12 across management units in order to deal with such
13 things as regional wood flows, to deal with things as
14 modelling forests in a much larger area, it allows us a
15 basis for planning because the balance of our planning
16 process deals largely with area, particularly area of
17 concern planning, road locations as well.

18 All those items are factors which we feel
19 is worthwhile keeping the area base models and I would
20 also say that we have a large number of staff, publics
21 and of course forest industry staff out there that have
22 had experience in running the area base model and
23 basically they have a lot of experience and are quite
24 adept at using that model.

25 However, as I was mentioning just a

1 moment ago, we are aware that there are other models
2 available, that as we move to a GIS environment and as
3 we move to having approved inventory information it is
4 necessary to keep our eyes open and ears open and see
5 what new science is coming along and we have had some
6 experience in running volume models. We think that
7 there is a place for those to be used in plans and they
8 can be used in conjunction with the area model.

9 I should point out that even in the case
10 of an area-based model we are still required to or it
11 is still necessary to convert the area-based
12 information into volume information for subsequent
13 steps in the planning process.

14 So it is not correct to think of the area
15 base model as strictly dealing with hectares. There is
16 volumes associated with it as is outlined in the
17 current tables in the planning manual.

18 Q. Mr. Kennedy, is the flexibility to
19 use other models; that is models other than the OWOSFOP
20 model, available to MNR foresters as well as to company
21 foresters?

22 A. Yes, it is. We place no restrictions
23 on the use of other models.

24 Q. Have some MNR foresters in fact used
25 these other regulation models?

1 A. I'm aware of one plan in particular
2 where other models have been used, yes.

3 Q. Thank you.

4 A. I should point out that in the case
5 of using those models that information would undergo
6 the technical review as part of the review of the plan
7 and the authors would be expected to have full
8 documentation and full rationale and a full description
9 of the methodology as depicted on the overhead slide
10 for the use of that information.

11 Q. Thank you.

12 A. I would like to move to a new subject
13 area, Madam Chair, to page 18 of Exhibit 2255. This
14 subject area is -- sorry, this overhead is an attempt
15 to provide a simplified explanation of the economy of
16 operations and the relationship to public consultation
17 stages.

18 We did make reference yesterday to public
19 consultation, but the purpose of this slide is to show
20 the types of information that are available at certain
21 stages in the planning process and to be a quick
22 reminder of some of the key elements as to the origin
23 of some of the mapping requirements.

24 MR. MARTEL: Just before you start, Mr.
25 Kennedy, how close now overall is your original plan

1 and that put out by OFIA because I think they were the
2 ones who were asking for much earlier involvement at
3 the beginning and obviously your plan has changed some
4 somewhat?

5 How close are those two now on the
6 elements of public consultation and so on? Are they
7 pretty similar now?

8 MR. KENNEDY: Mr. Martel, I think there
9 still remains a number of differences between the OFIA
10 proposal and ours.

11 I must admit I have not looked at it most
12 recently. If my memory serves me correctly I would say
13 that the OFIA proposal would require the beginning of
14 the planning process much earlier than what is
15 currently proposed by MNR.

16 The current MNR proposal we believe could
17 take anywhere from approximately 18 to 24 months, I
18 believe is what we calculated.

19 The OFIA proposal I believe would require
20 us to start earlier. The reason for that is that they
21 have made suggestions that a different style of
22 background information preparation be undertaken.

23 In fact, if I understand their proposal
24 correctly, I think they would require that Ministry of
25 Natural Resources' staff prepare a series of reports

1 dealing with specific information sources and that that
2 information would be prepared very early on in the
3 process and essentially presented to the plan authors
4 or their consideration.

5 I believe that the OFIA proposal then
6 would have the plan author work independently for a
7 period of time using that information and using the
8 implementation manuals and prepare a set of proposals
9 for public review, whereas the Ministry of Natural
10 Resources' proposal has the active involvement of the
11 plan author with the planning team collectively using
12 the background information, going through the process
13 of determining what additional information is required,
14 assembling it, analysing it and working it through the
15 various stages in preparing preliminary proposals, then
16 on to proposals for consideration and finally on the
17 preparation of the draft plan.

18 I think on the basic elements, though,
19 ensuring that there are opportunities for consultation.
20 I would say there are some similarities in that each
21 process does provide for those, although at slightly
22 different times and in slightly different manners.

23 Madam Chair, another item I might advise
24 you is that I think the page No. 18 that we prepared
25 here is in some ways a summary of what's contained in

1 MNR Appendix 4 in our terms and conditions which begins
2 at page 46 of Exhibit 2032 which you may find helpful
3 to have open in front of you as we go through this.

4 Also, I would like to give you a few
5 opening remarks on this slide. What you see occurring
6 on this slide is what I would refer to as netting down
7 the land base. It is a description of how we are
8 beginning with the total management unit at the outset
9 of planning.

10 We are looking at a subset of the area
11 where we are going to consider what operations --
12 sorry, which areas are eligible for operations and then
13 we are then going to look at a smaller set of those
14 areas that are eligible to determine where operations
15 will specifically occur during the five-year period.

16 So beginning at the top of the slide with
17 eligibility criteria, at the outset of planning we
18 prepare three things before going to the first public
19 consultation stage which is the invitation to
20 participate. Before going to stage 1 of consultation
21 we ensure that we prepared eligibility criteria,
22 eligibility maps and prepared selection criteria.

23 Eligibility criteria are those
24 information that we use in connection with our forest
25 resource inventory maps to determine which stands are

1 eligible for the operations of harvest, renewal and
2 tending for the 20-year period.

3 Such things as maturity of age or age of
4 trees or age of the stands comes into play. Such
5 factors as possible deterioration of product quality in
6 the case of insect and disease damage and in the case
7 of such things as projecting renewal operations we take
8 into consideration recent harvest and recent
9 disturbance through fire and budworm.

10 We then use that eligibility criteria to
11 go to our forest resource inventory stand maps, usually
12 the composite maps, and we map those stands which meet
13 those criteria and we end up with a set of maps which
14 is a subset of the entire management unit and are
15 referred to as the eligibility maps.

16 Those maps are displaying areas which we
17 might operate on during the 20-year period. It is on
18 those maps that we depict our primary road plan and
19 begin our preliminary determination of which direction
20 primary roads should go. So it is at that time that we
21 start recording primary road corridors.

22 Now, that map is depicting 20 years of
23 operation. We want to narrow it down now to five years
24 of operation and, hence, we prepare a selection
25 criteria to guide us in that endeavor.

1 Selection criteria, then, would deal with
2 such things as the industrial wood requirements, the
3 species of wood required by local mills, the size of
4 product kind of information, again the age of trees
5 would be a guiding factor because the age of trees is a
6 reflection of the rotation ages that we are managing
7 under and also is a reflection of the information
8 contained in the MAD calculation.

9 We also take into account such things as
10 level of investment for access to certain parts of the
11 management unit and, of course, those disturbances of a
12 natural nature through fire, insect inventories that
13 are required for -- would it be wise to harvest if we
14 take those into account, as well as operability
15 characteristics.

16 We then take those three pieces of
17 information and at that time we issue the notice for
18 invitation to participate. So we have prepared
19 information at the time the public becomes aware of the
20 fact that we are preparing the plan.

21 Now, throughout that early stage we have
22 the local citizens' committee involved. You notice on
23 the left-hand side of the page, page 18, that in fact
24 we made the note that the local citizens' committee are
25 involved throughout the entire process.

1 The notifications that go out at that
2 time could result in people coming into the office and
3 reviewing the information and providing some feedback
4 to us. In any event, we continue planning and using
5 the selection criteria we then go on and prepare
6 preliminary areas selected for operations map which are
7 usually done at the FRI forest stand maps which are
8 1:15,840 scale maps.

9 So using the selection criteria, then, we
10 go about determining which areas we will operate for
11 the five-year term and we select areas from those maps
12 that meet the criteria up to the level of MAD, up to
13 the amount of area that has been calculated as being
14 available.

15 It is on those maps, as we assemble those
16 blocks up to the MAD level, have operating blocks that
17 we also begin the planning of roads and area of concern
18 prescriptions. For both roads and areas of concerns,
19 then, we go through a discussion of alternatives.

20 With that information in hand it is
21 possible to prepare anticipated areas of operation map.
22 This is a first time that we are preparing a summary
23 map.

24 This is the summary map which you will
25 hear about later. It is prepared as part of the timber

1 management plan summary which is a take-home map that
2 people can take away from information centres and
3 discuss with their friends and neighbours and provide
4 further feedback to us.

5 When that information has been prepared;
6 that is, the areas selected for operations map, road
7 and area of concern prescriptions prepared with the
8 alternatives, that information, then, is taking to the
9 first information centre which we refer to as the stage
10 2, public consultation.

11 At that information centre and the review
12 period follows we then look for feedback from members
13 of the public and on the basis of their responses we
14 then go about refining, updating our areas selected for
15 operations. We start updating our roads and area of
16 concern prescriptions and, in fact, we prepare a draft
17 plan.

18 So using that first amount of public
19 information we prepare the draft plan and then we take
20 it to the second information centre which we refer to
21 as stage 3 of the public consultation process.

22 The reason we do that is we are providing
23 the public an opportunity to come back and see what we
24 have done with their comments. In addition to the
25 written responses that we will be giving individuals

1 for showing up and providing comments, we provide a
2 second information centre where they can come out and
3 actually inspect to see how we have handled their
4 information.

5 It is not uncommon to still have some
6 additional feedback at that second information centre
7 and we will then go about, again, fine-tuning the
8 information we put forward and it is at that point
9 where we would prepare the final areas selected for
10 operations and the final road and final AOC
11 prescriptions and we put those forward as part of the
12 final plan and put it through the review approval
13 process.

14 At the time that the plan has been
15 submitted for approval, has undergone MNR approval,
16 then the plan is available for final inspection and
17 that's the time at which the bump-up -- or final
18 bump-up opportunity kicks in prior to the plan having
19 been officially approved at the two levels and prepared
20 for implementation.

21 The purpose of that slide is to give you
22 an understanding very briefly of the various maps that
23 are prepared throughout the planning process, the
24 stages of how we go from eligibility criteria to
25 mapping, selection criteria to mapping and how road

1 planning and area of concern planning fits in.

2 We would now like to -- are there any
3 questions on that topic?

4 MR. MARTEL: Mr. Kennedy, have you done
5 any calculation with respect to the amount of time it
6 would take someone or how much involvement in terms of
7 time for the local citizens' committee?

8 I think one of the reasons we raised the
9 question of pay, I just wonder how long we expect
10 people are going to be involved in such a process and
11 all that?

12 Do they get discouraged or just simply
13 can't continue to attend because the amount of time it
14 might take them away from their job or something like
15 that because if you look at 18 to 24 months, to get
16 someone who has that kind of time without losing some
17 income I think is going to be difficult. I might be
18 wrong, but is there concern?

19 MR. KENNEDY: Mr. Martel, I think your
20 concern is a valid one. It is one that we ourselves
21 discussed with other parties and other parties
22 discussed with us during the negotiation session.

23 One of the ways which we resolved that
24 was by dropping some of the earlier initiatives we put
25 forward about requirement for attending certain

1 meetings at certain times in the planning process and
2 we have allowed for the local citizens' committee to
3 determine their own level of involvement.

4 We are going to provide the opportunity
5 for the local citizens' committee to be involved in
6 each and every one of the key steps in the process. We
7 are going to rely on them in certain situations, such
8 as issue resolution, and no doubt it will require a
9 fair amount of time, particularly if the community
10 chooses to have a representative participate on the
11 planning team.

12 I think that what will occur is that it
13 will necessitate a liberal use of the telephone at key
14 stages of consultation. We have committed to provide
15 local citizens' committee members, all the members with
16 full documentation as they require for participation in
17 the plan and we intend to distribute that to them and
18 thereby giving them time to look at that information
19 prior to coming to the meetings, prior to attending the
20 information centres, but despite all those events there
21 will still be required -- sorry, if they choose to be
22 actively involved it will take up a considerable amount
23 of their time.

24 MR. MARTEL: Has MNR considered the
25 possibility of the one person who might be on the

1 planning team per se, let's say the designated person
2 to the planning team from beginning to end, of somehow
3 assisting that one individual, whoever it might be, to
4 participate simply based on the amount of time?

5 I mean, you ask someone to come to a
6 whole series of meetings and I can see the difficulty
7 with trying to compensate the whole committee, the
8 whole stakeholders' committee, but one might look at a
9 number of ways of achieving that.

10 I think, for example, what about the
11 potential if it were a trade union as from a union and
12 the company helping to do that because it is in their
13 interest or MNR in the event it wasn't someone who
14 could afford to be there, it was simply the person
15 that's going to be there from day one until the end.

16 I mean, that is going to be a long haul
17 and MNR might look at that possibility and explore it
18 at least. I realize costs and so on, but that to me I
19 think is critical, that one position, to get the
20 feeling that people in fact are involved from beginning
21 to end and can't afford to be there.

22 MR. KENNEDY: Mr. Martel, I can advise
23 you that we have had some preliminary discussions in
24 that regard and in writing the terms and conditions in
25 January we are not in a position to make any

1 commitments in that effort nor am I at this time.

2 I would point out that because of the
3 continued involvement of the local citizens' committee
4 with the planning teams throughout plan implementation
5 with the ongoing role for each one of the citizens
6 committees -- there is certainly at any one time, I
7 would say, about 20 plans being prepared in any one
8 year, initiated in one year and carried over from the
9 previous years. There are probably 40 committees that
10 are very active at any one time.

11 As we look at the number, 40 individuals
12 potentially sitting as members of planning team and
13 certainly with the economic situation the way it is it
14 is where we would have to look further at our ability
15 to fund that.

16 I appreciate your concern and we advise
17 you that we do have place a high regard for those
18 individuals involved in the planning process.

19 MR. MARTEL: Let me just clarify
20 something. Are you suggesting that the person who
21 starts at the beginning of the planning team -- who
22 becomes a member of the actual planning team per se and
23 the local citizens' committee decides to go that route,
24 you are going to be able to change that one position
25 back and forth and that the same person who started at

1 the beginning that there will be flexibility and
2 someone who has been there for four months suddenly
3 decides to come off and you replace that person with
4 someone else or deliberately do it?

5 If that's the case, you are going to I
6 think find yourselves going back to square one all the
7 time to pick up all the pieces; are you not?

8 MR. KENNEDY: Perhaps I left you with the
9 wrong impression. It is not our intention to rotate
10 people in those positions.

11 We are looking to the local citizens'
12 committee to nominate on their own one representative.
13 It would be our desire that that one rep ne the
14 individual who participates on the planning team from
15 beginning to end of the plan preparation period,
16 approximately up to a two-year period.

17 If they chose to rotate individuals, as
18 we have heard suggested by some parties during our
19 negotiations, that in order to provide opportunities
20 for the very interest to attend and give first-hand
21 information to the planning team, to hear first-hand
22 the discussion around the different values, the
23 different interests in order to lessen the perceived
24 conflict of interest that might be there, we are also
25 open to that suggestion.

1 It would be in our best interest if it
2 was one individual throughout the whole plan.

3 However, I don't think there needs to be
4 a concern because we have also provided for the
5 opportunity for advisors from the planning team to also
6 attend -- sorry, from the local citizens' committee to
7 also attend planning team meetings and by that way they
8 are very open.

9 Madam Chair, with that introduction we
10 would like to go on to the discussion first of road
11 planning and then subsequently area of concern
12 planning.

13 I would lead off with road planning and I
14 would ask you to turn now to page 19 of Exhibit 2255.
15 Here I would like to give you some highlights of our
16 road planning.

17 First of all, I would say that the top
18 portion of this slide highlights the traditional
19 approach that we have had to road planning; that is,
20 for primary and secondary roads we have always had the
21 consideration of -- sorry, we have always required the
22 preparation of corridor information for those and the
23 consideration of alternatives, both primary and
24 secondary, and we deal with more detailed information
25 on the location of roads when they are adjacent to

1 values and, hence, the area of concern planning
2 process.

3 For primary and secondary roads we also
4 require the preparation of use management strategies
5 which would deal with such things as access provisions,
6 gating if required, timing and maintenance and life of
7 the road.

8 In the case of tertiary roads, we do not
9 require the specific locational planning of those, but
10 we deal with concerns that may arise adjacent to values
11 by specifying, if you will, do's and don'ts of road
12 construction in and around those values and we require
13 that to be reported as part of the area of concern
14 process.

15 In addition to those basic elements of
16 our road planning process, we have made some changes or
17 additions which I would like to think as a fine-tuning
18 process and we now require an explicit statement as to
19 the reasons for each new primary and secondary road.

20 Of course, these roads are being prepared
21 as part of a timber management plan and they are being
22 prepare for timber management purposes, but we believe
23 that some additional information can be provided to
24 communicate to the public what the general intent of a
25 public road strategy is.

1 For example, it would not be uncommon to
2 draw comparisons between the information shown on the
3 eligibility maps of the primary road system and
4 indicate that the road is a primary road and is
5 intended to proceed, say, northwesterly through the
6 management unit in order to provide access to areas
7 that are eligible beyond the current five-year period.

8 I mentioned yesterday in passing that we
9 have made a specific commitment to provide additional
10 information and an additional analysis where we are
11 proposing alternatives that may provide further access
12 to remote native communities. We see that as a change
13 and an integral part of our road planning process.

14 You have heard some discussion of
15 interest in persuing road abandonment and water
16 crossing planning requirements in conjunction with the
17 Ministry of the Environment. Unfortunately, given the
18 hearing schedule and our schedule for preparing this
19 reply evidence we have unable to continue discussions
20 on that matter, but it is our intention to do so, as
21 indicated by MOE witnesses. We will keep you advised
22 of that as things progress.

23 In the case of tertiary roads, since we
24 have led our evidence we have made two new provisions.
25 One is that we now require a presentation of tertiary

1 roads if they are required to move from block to block.

2 In our earlier evidence we discussed the
3 use of tertiary roads within operating areas and there
4 was concern, I believe, expressed both by the Board and
5 by counsel for NOTO at the time as to would be showing
6 tertiary roads if they were link up separate operating
7 blocks and we have now made that requirement specific
8 in our terms and conditions and that allows for
9 treatment of any values that may be occurring between
10 operating block areas.

11 As well, we have provided for provisions
12 for flagging and specific notification if roads are
13 to -- tertiary roads are to go within certain areas of
14 concern and if local individuals are interested in
15 being there at the time of construction or at the time
16 of flagging specific road locations that can occur. We
17 have made terms and conditions that explicitly address
18 that.

19 MR. FREIDIN: Q. Mr. Kennedy, in
20 relation to the tertiary roads between blocks, is the
21 intent to in fact describe the exact location of the
22 road or to deal with that subject matter in a slightly
23 different way?

24 MR. KENNEDY: A. The intent here is to
25 identify the values that are between the blocks, if you

1 will, and to specifically determine the need for
2 restrictions associated with those values so that that
3 information can be considered by the operators in the
4 construction of those roads.

5 Q. So you are not showing the exact
6 location of the road, then; is that correct?

7 A. In those situations, no.

8 Q. Thank you.

9 A. There have been a number of proposals
10 come forward by the parties with regards to additional
11 requirements for road planning.

12 In that regard we still have a number of
13 concerns specifically dealing with the number and kind
14 of corridor alternatives that need to be considered.

15 We don't think it is appropriate to
16 specify the number of alternatives to be considered.
17 We feel that the number of alternatives to be
18 considered should be reasonable for the situation
19 provided and that that should be based on a
20 case-by-case determination dealing with the practical
21 considerations of on site and the information on hand.

22 Also, we are aware that one party has
23 suggested that a separate corridor be considered each
24 and every -- in conjunction with each and every road
25 dealing with full open public access.

1 We don't believe that that's an
2 appropriate matter to require full consideration of a
3 separate alternative for that specific purpose.

4 The reason we take that position is that
5 the use management strategy is intended to deal with
6 all aspects of open or closed roads and provide publics
7 with an opportunity to provide comment on road use
8 restrictions as part of the use management strategy.

9 So we don't think it is necessary to show
10 a completely separate road. That information is there
11 before the public for them to provide their opinions.

12 Unless there are any questions on road
13 planning that concludes that section.

14 MADAM CHAIR: Mr. Kennedy, the Board
15 didn't request to have any oral examination of area of
16 concern planning. What are your reasons for wanting to
17 put that in front of us now?

18 MR. McNICOL: Madam Chair, we feel that
19 there are some significant issues that have been the
20 subject of discussion at negotiations with respect to
21 area of concern planning.

22 MNR has made some proposals in response
23 to some of the concerns from other parties and we
24 thought that we would want to share that and some of
25 the rationale with you.

1 MADAM CHAIR: Let's go ahead on this,
2 then.

3 Did you have something to say, Mr.
4 Lindgren?

5 MR. LINDGREN: Just for the record, Madam
6 Chair, I wanted to point out that we do have a few
7 brief questions on the consideration of alternatives
8 within the AOC planning process.

9 MADAM CHAIR: Thank you. Go ahead.

10 MR. McNICOL: With respect to area of
11 concern planning, MNR still believes it is very
12 important that prescriptions for every value that has
13 been identified through the timber management planning
14 process must be readily visible in the timber
15 management plan.

16 I think that's a commonly held belief
17 amongst all the parties. Where we differ is on how
18 visible that particular prescription should be.

19 Further, the prescription must be
20 documented, must be understandable to the public and
21 reviewers and easily found in the timber management
22 plan.

23 MNR through negotiations truly has been
24 the meat in the sandwich with respect to this
25 particular issue. We have been criticized by some

1 parties for having too much documentation requirement
2 and by others for too little.

3 Some of the problem with respect to the
4 critics that have suggested that we have too much has
5 been, I would suggest, on MNR's part, not a complete
6 job in explaining how some of the bulk, if you will,
7 supplementary documentation for some prescriptions
8 could be reduced.

9 I am thinking specifically now of a
10 provision that we had early on where if you had a
11 similar value -- the same value, sorry, in the same
12 prescription and you had a number of them occurring in
13 your operational area, say a walleye lake with a
14 30-metre reserve prescription with no other values or
15 concerns on those waterbodies, it is possible to group
16 or lump those prescriptions and the supplementary
17 documentation need only occur one time.

18 That was not commonly understood in the
19 field and oftentimes individual supplementary
20 documentation was completed for each of those
21 prescriptions. So we accept some of the responsibility
22 for some of the criticism.

23 We believe, however, that in addition to
24 that there are other circumstances where documentation
25 can be reduced even further. We are proposing that

1 where an implementation manual provides specific
2 direction as to the specific prescription in specific
3 circumstances - that's specific cubed, that's cubed -
4 the most appropriate example often used is the
5 fisheries.

6 Where those circumstances exist, we do
7 not believe that it is necessary to consider further
8 alternatives and that the type of documentation be
9 minimal and the amount be minimal.

10 Further, where an implementation manual
11 recommends a prescription in specific circumstances and
12 those circumstances are encountered, the
13 recommendation is followed again, the amount of
14 documentation should be minimal.

15 MR. FREIDIN: Q. Mr. McNicol, are those
16 two requirements or those two proposals, one and two,
17 at the bottom of page 20, are those changes from the
18 position which was originally taken by the Ministry in
19 relation to documentation requirements?

20 MR. McNICOL: A. Those are changes and
21 that's a move away from the amount of documentation
22 that has been required in the past.

23 MNR still believes it is necessary that
24 in those circumstances where recommendations are not
25 followed with respect to guidance and the

1 implementation manuals that full documentation and
2 analysis of alternatives is required.

3 Similarly, where no recommendations exist
4 in implementation manuals for the protection of a value
5 but a prescription is struck, then full documentation
6 and consideration of alternatives is required.

7 MR. MARTEL: Tell me the difference -- I
8 am reading it, 1 and 2, it says if you just drop the
9 first specific prescription in specific circumstances
10 and you look at 2, recommend a prescription in specific
11 circumstances. What's the difference?

12 MR. McNICOL: Probably the best way to
13 deal with your question, Mr. Martel, is to deal with
14 the examples.

15 In the fisheries guidelines you know what
16 type of waterbody you are dealing with, it is a warm
17 waterbody, you know what your slope condition is, that
18 slope dictates, for instance, a 30-metre area of
19 concern prescription.

20 Now, within that AOC you can do a number
21 of different things, but the area in which you have to
22 consider that prescription is set. You can't change
23 that.

24 Further, for some cold waterbodies what
25 you can do within that area of concern is also restrict

1 is it so the guidance is specific versus if we look at
2 an example for moose aquatic feeding sites and read the
3 guidelines it recommends that where there is a moose
4 aquatic feeding site that a 120-metre reserve be put in
5 place. It doesn't demand that that take place. It
6 recommends that.

7 Now, if you decide to deviate from that
8 for whatever reason, then -- all right? So it is a
9 recommendation.

10 MR. MARTEL: Thank you.

11 MR. FREIDIN: Q. Mr. McNicol, just
12 before you go back to page 21, when you are dealing
13 with those two items at the bottom of page 20 I believe
14 there are parties, I think in particular the Industry,
15 who has taken the position that even that, even what
16 you provided there in 1 and 2 is too much because in
17 fact you are using the guidelines.

18 You indicated that some people say that's
19 not enough, but what is your response to the position
20 of some parties who say: Even that, Mr. McNicol, is
21 too much?

22 MR. McNICOL: A. We believe it is
23 important that where you are dealing with a guideline
24 that's providing a recommendation for a prescription
25 that when a reviewer or a member of the public is

1 looking at a particular prescription that they
2 understand what was in the mind of the individual that
3 set that prescription at the time the prescription was
4 set.

5 There could be a number of factors that
6 entered into the actual decision with respect to how to
7 deal with a particular set of circumstances. Showing a
8 prescription on the map does not get you inside the
9 mind of the individual that set the prescription as to
10 what was in his or her mind when they set that
11 prescription, what potential adverse effects were being
12 dealt with for that prescription.

13 So documentation in those situations is
14 helpful so the reviewer can understand what it was that
15 was being addressed.

16 Just to end this off. With respect to
17 other documentation that we feel is important, all
18 prescriptions should be recorded in the timber
19 management plan in tables and, where practical, on
20 maps.

21 It is also important to note any
22 exceptions with respect to prescriptions in a TMP table
23 and in the same vein dealing with, for instance, the
24 tourism guidelines where there is a very high degree of
25 consultation necessary in the development of a

1 prescription between the affected individual and
2 Industry. If there is non-concurrence with respect to
3 the prescription that is finally developed and approved
4 in a plan that also should be noted.

5 MR. FREIDIN: Q. What do you mean by
6 non-concurrence in that context, Mr. McNicol?

7 MR. McNICOL: A. If we had discussions
8 between a tourist outfitter and Industry with respect
9 to how to deal with a certain concern, let's say the
10 concern was noise and Industry determined that one way
11 to deal with noise at the time when he is busiest is to
12 implement seasonal restriction on operations so heavy
13 equipment will be kept away from that tourist
14 operator's establishment during his busy time.

15 That would not satisfy in this particular
16 situation -- the individual was not satisfied with that
17 prescription and felt that a 300-metre buffer around
18 his establishment was a better way to deal with that
19 problem.

20 In that situation there was
21 non-concurrence if seasonal restrictions were brought
22 into play to deal with the problem, MNR had some
23 experience, Industry has had some experience in this
24 particular locale, it had worked in the past, they felt
25 it would work again, but the tourist operate was not

1 concurring with that particular prescription.

2 Q. One last question before perhaps you
3 leave this area. If we go back to the top of overhead
4 21 where you say full documentation and analysis of
5 alternatives are required when, and you describe two
6 situations, based on your understanding of the
7 positions taken by the other parties is there any
8 disagreement amongst the parties on those two
9 positions?

10 A. No, I think there is virtually
11 universal concurrence with respect to the need for
12 documentation for prescriptions in those situations.

13 MR. FREIDIN: Madam Chair, I am wondering
14 what your thinking is about a break.

15 MADAM CHAIR: Shall we take our morning
16 break now? We will be back at 25 after 10.

17 ---Recess at 10:05 a.m.

18 ---On resuming at 10:30 a.m.

19 MADAM CHAIR: Go ahead, Mr. Freidin.

20 MR. FREIDIN: Q. Go ahead, Mr. Kennedy.

21 MR. KENNEDY: A. Yes, Madam Chair,
22 proceeding on to page 22 of Exhibit 2255 I would like
23 to deal very briefly with a proposal put forward by the
24 Ministry of the Environment which deals with optional
25 areas for operations.

1 As we understand it, the Ministry of the
2 Environment has proposed that we consider options for
3 allocation for operations. You will see on this
4 particular overhead slide we show in brackets the word
5 harvest which just indicates that during their direct
6 evidence they concentrated of harvest operations in
7 their examples and we just reflected that.

8 MNR does have some concerns in regard to
9 this proposal. There are a number of practical
10 concerns which we are not going to deal with here, but
11 we will deal with in our Panel 5 evidence to allow us a
12 little extra time in which to prepare that.

13 What I would like to deal do, though, is
14 to deal with one concern we have directly related to
15 the public consultation stages with regards to this
16 proposal so as not to bring back in Panel 5 all of the
17 public consultation items that we mentioned here this
18 week.

19 MNR takes the position that if we were to
20 consider or required to consider optional areas for
21 operations that there is a number of other steps that
22 we would need to do in order to make that a meaningful
23 process and that gives us some concern.

24 We think that we would need to provide an
25 opportunity for public comment on those optional areas,

1 on just the very identification of those areas at the
2 beginning the public would want to know all about how
3 those optional areas were identified.

4 We also think that it would require us to
5 go through a stage of looking at a selection of areas
6 of operations and amongst those options and that that
7 would be required in order to go on to the subsequent
8 steps of identifying areas of concern and providing
9 road planning information.

10 We think that the public would require us
11 to show that information and to provide sufficient
12 information to deal with the identification of
13 alternatives for each of those optional areas.

14 So in that regard we believe that an
15 extra information stage, an extra consultation stage
16 would be required.

17 Returning to slide 18 of Exhibit 2255, we
18 indicate on the overhead now with an arrow a suggestion
19 that there would be an additional stage right after the
20 first public consultation stage. MNR believes that
21 that would be required in order to meet the intent of
22 the suggestion by MOE. However, we are not in
23 agreement with that suggestion and we take exception to
24 it.

25 Our basic response to it is we feel it is

1 unnecessary. We do not think that it is necessary to
2 put in that extra stage. We think that the proposal
3 that MOE has developed, if I understand their evidence
4 correctly, is their response to I believe the number of
5 bump-up requests that have been received in the past
6 number of years. I believe that was the evidence that
7 they have led. I expect that MOE has responded with
8 the suggestion because they felt something additional
9 was necessary, some additional way of involving the
10 public early in the process.

11 I would point out, though, that we have
12 made a number of changes in our terms and conditions
13 with regard to public consultation which have not been
14 put into effect, which are not currently in use in
15 planning and that those publics and those planners out
16 there have not had the opportunity to put those things
17 in practice and I believe that has resulted in the
18 number of bump-up requests.

19 I feel that our current proposal that we
20 put before you yesterday and today do provide for ample
21 information early in the process and provides for ample
22 opportunities for the public to comment and there is an
23 opportunity to change throughout, and I make reference
24 both to this overhead where we are presenting
25 information early through the eligibility criteria

1 mapping process, through the selection criteria, having
2 that information available for public review, and
3 working through the stages of consultation, having
4 preliminary information available for review and
5 revising it, going to the second information centre --
6 sorry, the first information centre, revising it again
7 and going on to the second information centre and still
8 providing for an opportunity for final inspection.

9 Those initiatives in conjunction with the
10 other items that I mentioned as part of the public
11 consultation overview, the involvement of the local
12 citizens' committee, the specific notices and the
13 content and the specific timing, detailed information
14 about what information will be available, the addition
15 of a special consultation program for natives, as well
16 as the issue resolution process and full documentation
17 I think are all efforts that will go to improving the
18 planning process, providing more meaningful
19 opportunities for the public to be involved and I believe
20 will lessen the number of bump-up requests that we
21 have. Hence, I feel that the suggestion from MOE is
22 one that is not appropriate to put into our planning
23 process at this time.

24 MADAM CHAIR: Mr. Kennedy, the Board's
25 recollection of MOE's evidence, and I won't take much

1 time on this because there will probably be some
2 cross-examination on the point, but the Board's
3 recollection is, first of all, that this was a mapping
4 exercise, the proposal was one of mapping optional
5 areas as opposed to documenting any substantial
6 documentation.

7 Secondly, the purpose of it, in our
8 recollection, is that it was primarily so that the
9 public wouldn't be presented with a decision already
10 made the first time they come into the public
11 consultation process, that the public would have a
12 feeling that the decision wasn't made and in MOE's
13 evidence the view is that the most important decision
14 is where harvesting would take place in the public's
15 view.

16 So with respect to the mapping exercise,
17 it was that very step I think between the eligibility
18 maps and the selection criteria that MOE saw another
19 map being put forward with respect to all the areas
20 that might meet -- that might be eligible and allowing
21 the public to react to that. I don't dispute at all
22 that that might require another element of public
23 consultation.

24 MR. KENNEDY: Yes, Madam Chair, I'm aware
25 of the suggestion of MOE that simply that another map

1 will be put forward.

2 However, I raise a number of questions in
3 that regard as to where does that information come from
4 and what level of public consultation would be involved
5 in preparation of that information.

6 Certainly in our experience and
7 throughout the course -- I can speak from my personal
8 experience, but also experience we've had here at the
9 hearings and people want to have an opportunity to see
10 where that information arised from.

11 It's not as simple as saying a map is
12 produced. There has to be more discussion around what
13 information contributes to identifying the areas that
14 will be shown on the map, and I believe that the public
15 is not satisfied with just going to put forward a
16 simple block outline on the map and not require any
17 detailed planning with it.

18 Those are the elements that we are going
19 to address in more detail in our Panel 5 evidence, the
20 amount of workload that we believe will be associated
21 with implementing the proposal put forward by MOE. As
22 I said, we will deal with that in more detail in Panel
23 5.

24 The purpose of this overhead and the
25 discussion we just went through was simply to indicate

1 that we do think that the public would -- in order to
2 do justice to the proposal, if it was to be a
3 requirement, that an additional public consultation
4 stage would be required and we feel that there is ample
5 opportunities now.

6 Moving on to a new subject area, then,
7 page 23 of Exhibit 2255. This deals with the
8 forecasting levels of harvest, renewal and tending.

9 Madam Chair, in response to a number of
10 parties at the hearing there has been some changes made
11 to MNR's terms and conditions that we thought would be
12 worthy of highlighting to you.

13 You will recall in the timber management
14 plan for the five-year period we do discuss the level
15 of activities that will occur for harvest, renewal,
16 tending and the access, construction and maintenance
17 and those make up the tables or many of tables in the
18 timber management planning process.

19 We have also added new requirements now.
20 We are going to explicitly require the discussion of
21 the plan harvest to MAD level and present that in
22 tabular form so that individuals or members of the
23 public are able to find that information easily and in
24 an understandable fashion.

25 We will be discussing the levels of plan

1 harvest and regeneration treatments that are associated
2 on those areas and also there will be discussion
3 concerning the level of renewal efforts and the
4 potential implications to achieving timber management
5 objectives. Those are described in our new terms and
6 conditions as well.

7 We think that the result of that will be
8 both improved communication with some of those key
9 facets of the planning process and the plan
10 implemenation. It will improve our way in which we
11 analyse our information and display and record those
12 important factors and that it should improve the
13 understanding of the relationships between the harvest
14 activity and renewal levels that are being planned. As
15 I indicated, several parties suggested those ideas to
16 us and we have responded with some terms and conditions
17 and the rewording of them.

18 MR. McNICOL: A. Some brief remarks on
19 supplementary documentation, Madam Chair, Mr. Martel.

20 MNR continues to hold the way view that
21 supplementary documentation is an important component
22 of the timber management plan. It provides public
23 access to planning information used or developed during
24 planning.

25 Briefly, MNR proposes the additions or

1 changes as listed in our new terms and conditions
2 providing a list of implementation manuals actually
3 used within the plan to develop prescriptions, a copy
4 of the values map - this is a new requirement - the
5 list of information sources, types of methodologies
6 used to collect the information and identification of
7 data gaps, new information with regard to FRI update
8 that Mr. Kennedy spoke to you about yesterday, a report
9 from the citizens' committee.

10 It would report on their activities
11 during the planning process, problems and issues that
12 they dealt with as a committee and, finally,
13 recommendations that the LLC may have for improvements
14 in the way that they have interacted with the timber
15 management planning process.

16 Documentation that is used for the issue
17 resolution process, this would be in the form of
18 minutes of meetings, memos, recommendations, a written
19 record of information that was used in issue resolution
20 processes.

21 Finally, road planning and area of
22 concern supplementary documentation which has always
23 been listed.

24 MADAM CHAIR: Mr. McNicol, in
25 supplementary documentation one issue that has been

1 discussion on and off in the hearing and most recently
2 in the written submission by OPSEU was where in the
3 supplementary documentation would it be reported if
4 there were disagreements among members of the planning
5 team, that issue real or imagined of differences of
6 opinion between the wildlife biologist, for example,
7 versus the timber expert or the forester and one point
8 of view will prevail in the final plan and will that be
9 reported in the supplementary documentation?

10 MR. McNICOL: I would suggest that
11 currently MNR is not planning on including that in the
12 supplementary documentation.

13 I would suggest that it would be the rare
14 occasion where those kind of differences of opinion
15 would not be settled within the timber management
16 planning team framework. The district manager
17 obviously is going to have for those very tough
18 irreconcilable differences, he will have the final call
19 with respect to how a particular issue will be resolved
20 within the timber management planning team.

21 If there is the example you gave, a
22 difference of opinion between perhaps the plan author
23 and the biologist on that team, and the result of those
24 discussions is a prescription which in the view of the
25 biologist is not adequate to deal with a particular

1 value, that prescription, if it does not comply with
2 the implementation manual recommendation would be noted
3 as an exception and in supplementary documentation the
4 rationale for that exception would be given and the
5 monitoring plan for that exception would also be given.

6 So there is -- I know that doesn't deal
7 directly with what your question dealt with, but there
8 are mechanisms where some differences such as the
9 example that you gave and in this case a disagreement
10 with respect to a prescription, it would be reported in
11 the plan as an exception.

12 MR. MARTEL: I recall, at least I think I
13 recall, it has been so long, that I raised this matter
14 in the first year and I raised it as a result of the
15 McAlpine situation and I think I asked the question
16 directly, would it show up to ensure the public --
17 because we went through the OPSEU material last week or
18 two weeks ago again and we have this concern that half
19 a moose herd was wiped out and we have no way of
20 knowing that that district forester recommended one
21 thing and the district manager I think overruled him
22 with the resulting loss, according to the witness, that
23 half the moose herd was wiped out because his
24 prescription wasn't followed.

25 When I raised it three or four years ago

1 I just wanted to have some sort of assurance that when
2 these very significant differences of opinion occur
3 that someone knows, and I thought that MNR at that time
4 said they were putting it in the supplementary
5 documentation, and I am sure that's why my colleague
6 raised it under those terms.

7 MR. KENNEDY: Mr. Martel, your
8 recollection is correct. I recall you raising it as
9 well, I believe, in Panel 15.

10 I think what Mr. McNical said is true. I
11 also make the observation that if there truly is a
12 disagreement I think that it would be aired fully in
13 the planning team setting, and as such it would be
14 recorded in the minutes of the planning team which do
15 form a record as part of the supplementary
16 documentation.

17 I think that if a planning team member
18 felt that indeed their views were of a professional
19 nature, professional opinion, that they wanted to
20 ensure was on the record that they would go about
21 indeed ensuring that it was shown.

22 I think that a responsible district
23 manager would also want to record the two opposing
24 views, if you will, in the situation that you proposed
25 or presented to us, as well as to record the decision

1 and rationale for his decision.

2 I might also add that that information
3 would -- a planning team discussion would be going on
4 at a time when the local citizens' committee rep may be
5 in the room or certainly there are opportunities to be
6 present, as well as observers and I would not be
7 surprised if that caused further discussions in the
8 local citizens' committee discussions.

9 It could result in them either conducting
10 a special investigation on their own accord which is a
11 provision we have allowed for in our planning process.

12 It could result in them preparing a
13 special report following the results of that
14 recommendation and, indeed, filing recommendations with
15 the district manager. That is also part of the
16 supplementary documentation.

17 Also, I think I can conjure up situations
18 where the district manager may be confronted with
19 differences of opinion between two professional groups
20 and be looking for additional information by way of
21 public comment and would ask the local citizens'
22 committee to undertake that investigation on his behalf
23 to specifically provide him with some public feedback
24 of how to deal with a tough situation.

25 I think there are many ways in which our

1 current planning process has addressed the concern that
2 you raised earlier in the hearing.

3 In regard to your comments about a
4 particular moose herd being wiped out, I'm afraid I'm
5 not in a position to provide any light in that regard.

6 MR. MARTEL: I thought John McNicol
7 would.

8 MR. KENNEDY: If we could move on, Madam
9 Chair, to slide No. 25 of Exhibit 2255 to a new subject
10 area and that's the timber management plan summary.

11 Also early on in the hearing there were
12 concerns raised by parties and I believe the Board as
13 to how is the average person on the street going to get
14 involved and surely some people must find information
15 centres an uncomfortable way of doing business.

16 If response to both of those ideas some
17 suggestions came forward from individuals to look at
18 providing take-home information to those people who
19 attend information centres. After much discussion MNR
20 has agreed with the concept of providing some take-home
21 information and we are proposing that a timber
22 management plan summary be prepared.

23 This is a new requirement. We are
24 looking at this information being prepared both at the
25 time of the draft plan as well as the final plan. I

1 sometimes refer to it as a mini timber management plan
2 in that it has all the key elements of the plan
3 involved in. I hope it will be only a dozen or so
4 pages long and an accompanying map and it will be
5 available for public distribution.

6 So that instead of requiring a half-tonne
7 truck to come and pick up all the plans, supplementary
8 documentation someone could walk out with a smaller
9 version under their arm.

10 At stage two of the public consultation
11 process we actually begin that by preparing a map that
12 describes the anticipated areas of operation. That map
13 is the first time that the public have an opportunity
14 to take home a map which will contain the areas
15 proposed. That map, then, they can send back to us
16 along with their comments because it is part of the
17 plan summary to provide a comment form and provide some
18 feedback on the areas of operations.

19 That map then continues through and is
20 revised and included with the draft timber management
21 plan summary, revised again and included with the final
22 timber management plan summary.

23 We believe that although it is a summary
24 it is quite comprehensive. The items that are to be
25 covered are discussed in Appendix 11 of MNR terms and

1 conditions and include 20 through 32 and it deals with
2 some of the key elements such as the description of the
3 management unit, the summary of the most important
4 section of the plan including the MAD levels, renewal
5 levels, it identifies contact names for individuals,
6 the MNR district manager in particular, the plan
7 author, members of the local citizens' committee. So
8 the people can take a copy home and know who else
9 called for interpretation or advice.

10 Also, the plan summary will have a
11 section dealing with the remaining stages in the public
12 consultation schedule, particularly with the draft
13 plan. In the case of picking up a copy of the final at
14 the time of the plan inspection there will be
15 notification as to when the final opportunity for
16 bump-up commences and ends.

17 In addition, there will be a comment form
18 and we think it would be helpful to provide some
19 commentary. We are not quite sure what the format of
20 that will take. We have discussed everything from
21 check off the boxes to fill in the blanks, as well as
22 provide additional information and fold it up and send
23 it back to the planning team.

24 An integral part of the timber management
25 plan summary, then, will be a take-home summary map of

1 the areas of operations for the five-year term at a
2 scale suitable for public distribution and those will
3 be available along with the plan.

4 We hope through this initiative that we
5 will have improved communications with the public, that
6 it will entice individuals to have a greater level of
7 involvement and we hope that we will have a shared
8 knowledge back and forth between the public and the
9 planning team and that, in turn, will lead to better
10 planning.

11 MADAM CHAIR: Mr. Kennedy, could you
12 repeat when the public will be given the plan summary
13 and the map?

14 MR. KENNEDY: Yes. The first preliminary
15 map of anticipate areas of operations will be available
16 at stage two, the draft timber management plan summary
17 will be available at stage three and the final summary
18 will be available at stage four.

19 MADAM CHAIR: And to each of the summary
20 reports, is there a summary report and a map at each of
21 those three stages?

22 MR. KENNEDY: At the very first stage,
23 stage two, there is just a map, at stage three and four
24 there is a map and a report.

25 MADAM CHAIR: Thank you.

1 MR. KENNEDY: Madam Chair, if I could
2 deal with the last slide in our series of overheads,
3 page 26 of Exhibit 2255 and ask you to turn also to
4 page 63 of our reply statement of evidence No. 1,
5 Exhibit 2252. It is page 63, Madam Chair.

6 At this point I would like to indicate to
7 you that we are not going to be giving any further oral
8 evidence on monitoring provisions as we moved that to a
9 subsequent panel, and from the list of items that's
10 shown on page 63 we will only be dealing briefly with
11 the issue resolution and the annual work schedule.

12 The remaining items being plan review and
13 approval, plan amendment, insect and pest management
14 program, bump-up are all items that we believe are
15 adequately covered in the reply statement of evidence
16 and we won't be presenting any further oral evidence on
17 them.

18 However, we have made a new commitment in
19 our terms and conditions which is an issue resolution
20 process. This is a new provision which we believe will
21 be quite helpful in lessening the number of bump-up
22 requests as well. We think that we have been able to
23 provide a further mechanism to resolve concerns early
24 in the process.

25 We are looking at having those issues

1 that are raised early in the process to be resolved
2 early by having an issue resolution process formally
3 available to people, both at the business manager's
4 level and at our regional director's level.

5 In that regard we think we are going to
6 have better informed local and regional decision-making
7 and by having the formal process in place it will be
8 available and people will be advised in our notices and
9 we will also keep full documentation involved on any of
10 the matters pertaining to issue resolution.

11 It also involves the use of the local
12 citizens' committee and, as indicated, I think it will
13 provide something in addition to the bump-up
14 provisions.

15 In the annual work schedule we have made
16 in addition a new map which I thought would be
17 important to highlight to you in that at the time that
18 the annual work schedules being available for
19 inspection on an annual basis people were curious as to
20 which areas would comply with the previously approved
21 timber management plan.

22 In that regard we have come up with this
23 new idea which is to provide members of the public with
24 a map summary of activities that are scheduled for that
25 year.

1 In this sense it will be a carry-over,
2 the idea of the map summary as part of the timber
3 management plan and if someone wanted to they could
4 keep these series of maps showing those areas that were
5 approved and the subsequent areas scheduled for
6 implementation later that year.

7 I would also point out, Madam Chair, that
8 prior to bringing the annual work schedule forward for
9 public inspection we are providing a special
10 opportunity for the local citizens' committee to
11 inspect that prior to its approval. Another effort
12 made to ensure that it does comply with the plan and
13 that members of the public had the opportunity to
14 provide that assurance.

15 Unless there are other questions, further
16 questions on that, that concludes our direct evidence.

17 MR. FREIDIN: Madam Chair, before the
18 cross-examination begins, I think the witnesses
19 indicated to me just before we resumed that they
20 wouldn't mind about five minutes for arranging paper
21 prior to the cross-examination beginning. If that's
22 possible, I would ask for that short five-minute break.

23 MADAM CHAIR: Yes, we can do that very
24 easily, Mr. Freidin.

25 On the matter of some issues that you

1 won't be addressing in oral examination on this reply
2 evidence, the issue of insect/pest management programs
3 is one of great interest to the Board and there will be
4 in the direction with respect to argument some
5 direction on what the Board wishes to hear further on
6 that issue.

7 MR. FREIDIN: I note there is one
8 question that you have set out in your letter of May
9 the 11th. That will be answered head-on in our
10 argument and Mr. Wagner will be here in Panel 3 not
11 dealing with chemical insecticides, but will be here
12 dealing with the vegetation management program and
13 dealing with the issue of herbicides.

14 MADAM CHAIR: All right. We will take a
15 short break.

16 ---Recess at 11:05 a.m.

17 ---On resuming at 11:10 a.m.

18 MADAM CHAIR: Mr. Lindgren, are you ready
19 to begin your cross-examination?

20 MR. LINDGREN: Yes, Madam Chair.

21 CROSS-EXAMINATION BY MR. LINDGREN:

22 Q. Mr. McNicol, if I could, I would like
23 to start the cross-examination by asking you to turn to
24 page 25 of the witness statement.

25 At the top of page 25 we see in the first

1 bullet point an indication that the wildlife branch is
2 developing a wildlife habitat inventory standards
3 manual which is to be provided to the field by June of
4 1992, and can you tell me whether in fact this document
5 had been finalized and has been distributed to the
6 field at this point?

7 MR. McNICOL: A. No, Mr. Lindgren, that
8 is not the case. There have been some preliminary
9 drafts created that are still in the process of
10 internal review. So the answer to your question is no.

11 Q. In our interrogatories we asked for a
12 copy of a draft of the manual and we were advised that
13 no draft was in existence at that time.

14 Do I take it from your answer that there
15 is now a draft in existence?

16 A. Sorry, no, I probably didn't give you
17 the best answer.

18 There have been portions of this wildlife
19 habitat inventory manual created and reviewed by the
20 wildlife habitat inventory committee primarily. So it
21 has been kind of an ongoing process. As pieces were
22 done they have gone out for review. There are still
23 other pieces that have not been created yet and have
24 not been available even for review by the wildlife
25 habitat inventory committee.

1 MR. FREIDIN: Mr. Lindgren, I am just
2 wondering if you could use the mike next to you. Maybe
3 we can get rid of that humm. Give it a try.

4 MR. LINDGREN: Q. When you say that the
5 portions of the manual are going out for review, is
6 this strictly an in-house exercise or will there be
7 opportunity for public comment prior to finalization?

8 MR. McNICOL: A. It will be the latter,
9 Mr. Lindgren. We do plan, once we have a draft that
10 has in essence passed muster with the wildlife habitat
11 inventory committee, then it will receive wider review
12 both within and outside MNR.

13 Q. And are you in a position at this
14 time to advise the Board and advise FFT as to when that
15 is likely to occur?

16 A. We are hopeful that it would occur
17 late this month, but to be honest I suspect that it is
18 going to be into July before we were ready to have it
19 circulated more widely.

20 Q. In terms of the content of the
21 proposed manual, can you tell me whether or not it will
22 primarily focus on terrestrial vertebrates?

23 A. I think that would be a fair
24 statement. There are other -- there will be avian
25 species in there as well and insofar as we have some

1 species in the rare, threatened or endangered category
2 that are neither avian or terrestrial, for instance the
3 Virginia white butterfly, there will be methodologies
4 provided for inventory of those species as well.

5 Q. I take it that the primary purpose of
6 the manual is to provide information how one would go
7 about collecting information on fish and wildlife for
8 the purposes of timber management; is that correct?

9 A. That is correct. The suite of
10 species that we are dealing with in wildlife habitat
11 inventory manuals are those species that we feel there
12 is the potential for additional risk for these species
13 again in the area of the undertaking, additional risk.
14 So, yes, methodologies provided for dealing with those
15 species.

16 Q. Now, when I read page 25 I see
17 frequent reference to the term featured species or
18 species of local concern. So I take it that the manual
19 itself is not a manual for implementing a landscape or
20 ecosystem supply management process; is that correct?

21 A. That's absolutely correct, yes.

22 Q. As you know, FFT has advocated
23 landscape management. Last week Drs. Welch and
24 Thompson appeared to advocate landscape management,
25 other witnesses have endorsed landscape management.

1 The other wildlife working group has endorsed landscape
2 management which begs the whole question, where does
3 the MNR stand in terms of the implementation of
4 landscape management.

5 Now, I asked you a question in the
6 interrogatories asking for the MNR position. I got the
7 answer that the MNR is prepared to develop some tools,
8 but that appears to be as far as it goes.

9 Let me ask you the question again. Is
10 the MNR committed to implementing a landscape management
11 system in this province so as to protect and conserve
12 the biodiversity within the area of the undertaking?

13 A. As you are aware, Mr. Lindgren, given
14 our response, we are certainly moving along that road.
15 It is not, as you are very well aware, a simple matter.

16 There is a lot of preparatory work that
17 must be done to develop an ecological landscape
18 classification system. We are putting the pieces
19 together, if you will, to allow us to move in that
20 direction.

21 I don't know that I can give you any
22 better answer than that. We are moving in that
23 direction. There is a lot of preparatory work to be done
24 before we get there, but we are certainly, in my
25 belief, headed in the right direction.

1 Q. Well, in terms of direction, is the
2 MNR committed to maintaining and perpetuating all
3 ecosystem types that currently exist within the area of
4 the undertaking?

5 A. Part of the problem in answering that
6 question is we don't even have enough knowledge at this
7 time to be able to respond with respect to how many
8 ecosystem types are we dealing with, what is their
9 prevalence on the landscape, what is their
10 vulnerability to certain types of activity on the
11 landscape.

12 We don't even really know at this
13 juncture because we have not got into -- we are not far
14 enough along with respect to the tools necessary to
15 determine what we are dealing with. We are not far
16 enough along even to determine where we are at at the
17 present time.

18 Q. And yet your Ministry is currently
19 seeking approval for timber management notwithstanding
20 that very profound lack of knowledge about what's out
21 there on the land base.

22 A. We don't know nothing, to use a
23 double negative. We believe that currently the
24 precautions that we take with respect to timber
25 management planning, the area of concern planning

1 process - and that is old news to you - we believe that
2 we have not substantially endangered any of those
3 ecosystem types out there, even those that we are not
4 cognizant of.

5 I am talking at the scope and scale of
6 disturbance that is occurring in the boreal forest
7 currently. We don't believe given that that it is
8 possible to put at risk ecosystems in the boreal forest
9 or the area of the undertaking.

10 Q. Can we agree that to this point you
11 have not presented any scientific or emperical evidence
12 that would support that statement?

13 A. Yes, I would suggest that that is
14 correct and, again, we have to -- I guess we are
15 dealing with levels of risk and what we believe is
16 reasonable to assume a risk factor is from a particular
17 undertaking on the landscape in our assessment and,
18 yes, it is not backed up, if you will, with scientific
19 evidence where we can definitely say that.

20 I already indicated that. We don't have
21 the knowledge currently and perhaps never will have the
22 knowledge with respect to all of the ecosystems that
23 are at work on the landscape, but we believe that a
24 reasonable assessment of the situation would indicate
25 to a reasonable person that given the scope of the

1 particular operations that exist out there now there is
2 not -- it is not reasonable to assume that ecosystems
3 are at risk.

4 Q. If I could, perhaps we could move on
5 to your evidence pertaining to objectives for
6 non-timber values. We find this commencing at page 40
7 of your witness statement.

8 Now, Mr. McNicol --

9 MR. MARTEL: Just asking a question.

10 When you come in final argument is Forests for Tomorrow
11 going to give any indication as to where landscape
12 management in fact is in operation or the time frame or
13 the constraints or anything that can assist the Board
14 because the term is -- I think we were halfway through
15 this hearing before we even heard the term and I'm not
16 sure and would like some indication maybe as to the
17 time frame that, in fact, we could appropriately put
18 this in place.

19 MR. LINDGREN: Mr. Martel, I believe the
20 evidence from our wildlife panel of witnesses was to
21 the effect that there are in fact tools right now
22 available that could be used to implement various
23 elements of landscape management today and I believe
24 there was evidence from the OFAH that was to a similar
25 effect.

1 So in final argument I think we will
2 putting the proposition to you that there is nothing
3 stopping the MNR from implementing landscape management
4 tomorrow or the day after the approval.

5 MR. MARTEL: My concern for raising this
6 is because I asked last week of two of the witnesses
7 you made reference to, both of them who are -- and
8 neither one of them indicated that they could do it
9 tomorrow.

10 That's my concern, because we have
11 conflicting positions, but I think Dr. Thompson
12 indicated at least three years and I think that Dr.
13 Welch also took the position that it could be
14 introduced, but not tomorrow. Maybe I'm wrong, but
15 that's my recall.

16 MR. LINDGREN: Well, without belaboring
17 the point, Mr. Martel, I think the discussion hinges on
18 when can you start it, when can you complete it.

19 I think Dr. Welch and Dr. Thompson were
20 speaking about completion of the ecological land
21 classification system and there is no doubt in my mind
22 that can't happen overnight.

23 Certainly we can be taking all these
24 steps now with a view to having it implemented sooner
25 than later.

1 MR. FREIDIN: Mr. Martel, I can perhaps
2 advise that in our Panel No. 3 where we are going to
3 address the landscape management issue and basically
4 try to update you on some of the initiatives in that
5 regard, the Ministry intends to comment specifically on
6 the proposals which were put toward by Forests for
7 Tomorrow and OFAH to indicate the basis on which they
8 believe that those approaches are not appropriate to be
9 included in terms and conditions, their specific
10 proposals. So I anticipate there will be more
11 discussion about this later.

12 MR. LINDGREN: Q. Mr. McNicol, I was
13 going to ask you some questions on your evidence
14 pertaining to objectives and strategies relating to
15 non-timber values.

16 If I understand the MNR's proposal, it is
17 that where a resource management objective exists
18 outside of the plan or in another plan, then it is
19 going to be referenced in the timber management plan;
20 is that correct so far?

21 MR. McNICOL: A. Yes, that would be
22 correct.

23 Q. But if an objective for a specific
24 resource or value does not exist outside of the plan,
25 it is not in the District Land Use Guideline or

1 elsewhere, then the MNR is proposing that a strategy
2 could be developed within the timber management
3 planning process for that particular resource to the
4 extent that it is affected by manipulation of the
5 forest cover; is that correct?

6 A. I would say that you are basically
7 correct. What we are dealing with here most probably
8 would be addressing a significant problem or issue that
9 has been identified through public consultation,
10 through the LCC or through the timber management
11 planning team, an issue that's on the landscape there.

12 There is no objective with respect to
13 whatever that problem or issue is, but it doesn't
14 handcuff us with respect to being able to deal with it
15 insofar as it can be affected by manipulation of the
16 forest cover, yes.

17 Q. I believe yesterday you indicated
18 that that strategy for that particular value could take
19 the form of a constraint?

20 A. That's correct.

21 Q. Or, alternatively, the strategy could
22 be somewhat more proactive, the strategy could call for
23 planners to enhance or assist the production of that
24 particular value or resource; is that correct?

25 A. That's correct, yes.

1 Q. I believe that you called those
2 production oriented strategies?

3 A. I think production assisters or
4 assist production, sure.

5 Q. Now, in the interrogatories we asked
6 the MNR how you could devise a production strategy
7 without at the same time having some sort of objective
8 or goal and target in mind, and with respect I don't
9 quite understand the interrogatory response so I am
10 going to ask you again.

11 How can you have a production strategy
12 for a non-timber value without at the same time having
13 some sort of objective or goal in mind for that
14 particular resource?

15 A. The objective -- again, we will
16 return to the old favorite. We have objectives for
17 moose on the landscape, there is a target to be
18 achieved by a certain call date, we want to use the
19 tools that are available to us to try to achieve that
20 target; one is habitat manipulation the other is
21 harvest control.

22 Through the timber management plan we can
23 try to optimize the production of moose on the
24 landscape where the forest is being manipulated through
25 the timber management plan through appropriate

1 application of the guidelines.

2 In the example that I gave we had an area
3 of moderate capability. Our objective is going to be
4 to try to optimize the production of moose from that
5 particular operational area.

6 We are going to do that through rigorous
7 application of the guidelines; i.e., we are going to
8 look for that optimal cut size range as put forward in
9 the guidelines, 80 to 130 hectares. We are trying to
10 achieve that on the land base. That's the strategy, to
11 try to achieve the objective of maximum -- sorry,
12 optimizing the production of moose from that
13 operational area.

14 Q. With respect, I don't believe that's
15 an appropriate example because you are using moose
16 where a moose target will be in a wildlife management
17 unit plan.

18 I am speaking more specifically of those
19 resource or values that don't have an expressed target
20 or objective in another plan, and you have indicated
21 that you can devise a strategy for those things and my
22 question to you, how can you devise a strategy without
23 knowing where you want to go with that particular
24 resource?

25 I am suggesting to you when you devise a

1 strategy for non-timber values you are in fact
2 expressly or implicitly setting some sort of objective
3 or target and you are devising a strategy to achieve
4 it. Do you agree with that analysis?

5 A. Well, let me come back at you. Let's
6 say that we have an LLC that is concerned about
7 aesthetics on a popular canoe route, bring that forward
8 as a concern, as it happens operations are going to
9 occur along a significant chunk of this particular
10 canoe route.

11 You can develop a strategy to deal with
12 that particular issue, that particular problem as it
13 has been brought before you without setting an
14 objective or even set a qualified objective, if you
15 will, a qualitative objective to protect the aesthetics
16 along river "x" which happens to be a popular canoe
17 route.

18 I'm not certain I understand what the
19 hang-up is with the magic in this word objective. Call
20 it anything you want. Here we have got -- we have a
21 problem, an issue, it is significant and it has been
22 brought forward and we are going to deal with it with a
23 strategy.

24 Q. Well, quite frankly, I can't
25 understand the MNR's hang-up on the word objective, and

1 I would suggest again to you that in the situation of a
2 canoe route, when you are thinking of various
3 strategies to accommodate the aesthetics you are in
4 fact trying to achieve the objective of maintaining or
5 enhancing the aesthetic viewscape. That's an objective
6 that you are trying to achieve within the context of
7 your timber management plan.

8 A. Okay. I think I know. This is a
9 long-standing issue that's been between us, the two
10 parties and others.

11 We do not believe that the timber
12 management plan is the vehicle to develop other
13 objectives. If you don't call it objective but you do
14 call it a significant problem or issue and the result
15 is the same, you develop a strategy to deal with it.

16 We are dealing in semantics, I would
17 suggest, but being respective of our concern that the
18 development of objectives in a timber management plan
19 for things other than timber is not proper.

20 Q. Well, leaving semantics aside, Mr.
21 McNicol, and whether the MNR cares to recognize it or
22 not, when you develop a non-timber strategy in a timber
23 plan you are in fact trying to reach some sort of
24 non-timber goal or objective or target.

25 Whether or not you care to expressly

1 recognize it, that seems to be the reality. Would you
2 disagree with that assessment?

3 A. To the extent that it relates to the
4 manipulation of forest cover timber management, yes.

5 Q. I'm not sure if you are agreeing or
6 disagreeing, but I am prepared to move on.

7 I take it that a number of these
8 objectives for non-timber values will be coming from
9 District Land Use Guidelines, for example?

10 A. Certainly, yes.

11 Q. And it is my understanding that the
12 DLUGs were approved in 1983 and that there is supposed
13 to be a 10-year review of those guidelines; is that
14 correct?

15 A. That was the projection at the time.

16 Q. Can you tell me what steps, if any,
17 the MNR has taken to commence that 10-year review of
18 the District Land Use Guidelines?

19 A. We are aware of the issue, it has
20 been raised before, and it is something that will be
21 dealt with in Panel 4.

22 Just off the top, there is a
23 comprehensive planning review going on within MNR now,
24 as I believe you are aware, and we thought it wise at
25 this juncture not to begin review of DLUGs until such

1 time as we had some understanding, some direction with
2 respect to how land use planning may proceed in the
3 future subject to recommendations coming out of that
4 review.

5 Q. Well, I can advise you then I will
6 leave some of my remaining questions for Panel 4 on
7 that particular topic.

8 Before we leave this whole issue of
9 objectives and strategies for non-timber values, in
10 your evidence this morning you mentioned that you
11 shouldn't set targets for non-timber values in a timber
12 management plan because some variables, some factors
13 beyond the control of the manager might come into play
14 in determining whether or not you are going to be
15 successful in meeting those targets.

16 Do you recall that evidence?

17 A. I think I was fairly careful with the
18 words. The point I tried to make was that there are
19 things over and above, beyond the ability of a timber
20 management plan to deal with that could affect, yes,
21 non-timber objectives.

22 Q. Can we agree that this is always true
23 of timber objectives within a timber management plan?

24 Let me give you a specific example.
25 There certainly are variable and factors out there that

1 are beyond the control or influence of the timber
2 management planner in terms of meeting timber
3 management objectives?

4 MR. KENNEDY: A. If I can respond, Mr.
5 Lindgren, I think your observation is correct. I can
6 think of a situation such as market conditions having a
7 direct ability or effective ability to achieve the
8 objectives set out. So I would agree with that point.

9 Q. Thank you, Mr. Kennedy. You might as
10 well keep your mike open because I have got a few
11 questions for you on the consideration of alternatives
12 and access planning.

13 I understand that Mr. Bisschop will be
14 dealing with this matter as well in Panel 4 and I can
15 put Mr. Bisschop on notice that I have a few questions
16 for him, but this matter appears in your evidence and
17 since you are here I am going to ask you a couple of
18 questions as well.

19 Can I start by referring you to page 53
20 of the witness statement. Now, on the third bullet
21 point on page 53 we see a statement that MNR's position
22 is that:

23 Each and every new primary and
24 secondary road advanced in the TMP is
25 reasonably and responsibly required for

1 timber management purposes and need not,
2 should not be subject to the formally
3 yes/no analysis requirements of the null
4 alternative."

5 I take it then, if I can summarize that
6 position, is it the MNR's view that every proposed
7 access road is by definition necessary and, therefore,
8 there can no consideration of the null alternative
9 within a TMP?

10 A. It is fair to say that we do require
11 provision of access to the area of the undertaking in
12 order to carry out our activity and in that regard we
13 do need to provide access to each and every stand.

14 There can be discussions on the
15 locational nature of where that access should be
16 provided through the corridor and locational planning
17 process that we have outlined here.

18 Q. Well, we have heard a great deal in
19 this hearing about the Red Squirrel Road in the
20 Temagami area.

21 If that road was being planned under your
22 proposals, I take it then that you would not have to
23 examine the possibility of not putting the road in in
24 the first place, you don't have to assess the
25 environmental advantages of not accessing the area?

1 A. I can advise you that I am not
2 totally familiar with all the situations dealing with
3 the Red Squirrel Road, but using this as a
4 hypothetical, it is the case that we would not require
5 a consideration of not accessing that area given that
6 that hypothetical area has been approved for timber
7 management activities through something like the
8 District Land Use Guidelines where timber harvesting is
9 a permitted activity, then we would go about exercising
10 our access road planning as part of the timber
11 management planning process with full public
12 involvement and consideration of alternatives within
13 that.

14 Q. Well, if I understand your proposal
15 correctly, the road is a given and the only real
16 question is where in the corridor is it going to go; is
17 that correct?

18 A. I can think it is possible that whole
19 corridors may be shifted as a result of discussion of
20 values, new information, public concern. I can see
21 that as a possibility.

22 Q. What you are telling me, then, is
23 That the road analysis is essentially a locational
24 analysis, it is not what some people would call an
25 environmental analysis of the road or the corridor in

1 the sense that you are not looking at the null
2 alternative?

3 A. Well, Mr. Lindgren, we started the
4 conversation with knowing that we want to, are required
5 to practice timber management for the area in question.

6 Part of timber management is the
7 provision of access so that the subsequent activities
8 of harvest, renewal and maintenance can occur.

9 All we are trying to do is provide wood
10 fiber to achieve the purpose of the undertaking, to get
11 that wood it may require some access to this area in
12 question and in that regard, yes, we do want to provide
13 access.

14 Q. So if I could put the question to you
15 again. Under your proposal access roads will not be
16 subject to an EA type of analysis?

17 A. Well, Mr. Lindgren, where timber
18 management has been decided as a permitted activity,
19 then we will not go through that analysis that you
20 refer to as a null analysis.

21 We do go through an EA-style analysis in
22 the identification of a proposal, the collecting of
23 information, the determination of potential effects,
24 consideration of alternatives with it and full
25 documentation throughout that.

1 MR. MARTEL: I think you just answered my
2 concern because I thought where Mr. Lindgren was moving
3 to is that somewhere along the line you have to look at
4 the environment, that even though you have decided you
5 need access to a certain supply of wood that every
6 aspect of the environmental concern would be considered
7 to get that wood excluded, that you don't do it because
8 you don't do it and you don't get the wood, but I
9 thought Mr. Lingren's concern was primarily that you
10 had to look at any potential for damage to an area
11 before giving approval, short of null.

12 MR. KENNEDY: Yes, Mr. Martel, we share
13 that view. In our terms and conditions we have
14 outlined a requirement to collect the information and
15 to conduct an analysis of that information including
16 such things as area of concern prescriptions specific
17 for road corridors and locations and in that regard we
18 feel we are meeting the intent of the environmental
19 analysis requirements.

20 MR. LINDGREN: Q. Mr. Kennedy, I think
21 the nub of the disagreement here comes on the nature
22 and scope of that analysis.

23 I think what the MNR is describing could
24 be characterized as impact analysis and I am not even
25 sure you have identified the right impact. What we are

1 looking for is an environmental assessment type of
2 analysis including the consideration of the null
3 alternative before you even authorize the cutting of
4 the corridor or the placement of roads within it.

5 MR. KENNEDY: A. Mr. Lindgren, perhaps
6 the best I can do for you here today is to advise you
7 that our environmental planner, Mr. Bisschop, will be
8 present in Panel No. 4.

9 As you indicated, you have a number of
10 questions for him and perhaps you would like to save a
11 number of those as well. He is in a much better
12 position to give you the perspective of an
13 environmental planner in dealing with the null
14 consideration.

15 Q. That's a good suggestion, Mr.
16 Kennedy, and I am going to take you up on that.

17 Before I leave the subject, can I ask you
18 to turn the page, page 54, where you deal with roads
19 within AOCs. In the third bullet point paragraph we
20 see an indication that MNR also opposes the idea of
21 assessing the null alternative for each of these sets
22 of alternatives, and we are talking about primary and
23 secondary roads within AOCs.

24 So, again, if I could boil it down, the
25 road is a given within the AOC, you can't look at the

1 null alternative and the only thing you can do is maybe
2 relocate the road somewhere within the proposed
3 corridor; is that correct?

4 A. No, in this situation I don't believe
5 that is correct. As part of area of concern planning,
6 which you may recall the very first question going into
7 the area of concern planning process is, can the
8 activities proceed while protecting the identified
9 value. If there is an early determination that the
10 activity cannot proceed, then reserve prescriptions are
11 put in place.

12 Q. So in that sense you are very much
13 considering the null alternative and the benefit of not
14 going in?

15 A. I don't characterize that as the null
16 alternative. I characterize it as a decision-making
17 process that does have a prescription that results in
18 no operations.

19 Q. Well, leaving semantics aside again,
20 Mr. Kennedy, it seems to me that the first decision you
21 are making is the go or no-go and if do go you are only
22 going because you think you can protect the value in
23 question.

24 That, to my mind, means you are
25 considering the environmental advantages and

1 disadvantages of not going at all. That is
2 consideration of the null alternative; is it not?

3 A. I think the result is the same, that
4 in some situations you are making that preliminary
5 analysis indicating that the operations can or cannot
6 proceed and, yes, it can result in no operations for
7 that given area.

8 Q. Thank you. A couple of final
9 questions for you, Mr. McNicol, on AOC planning in
10 general.

11 Now, if I understand the MNR's proposal,
12 if an implementation manual provides specific direction
13 as to the specific prescription to be used in a
14 specific set of circumstances, then you don't need to
15 consider alternatives; is that correct.

16 MR. McNICOL: A. It has to be specific
17 cubed, that's right.

18 Q. Now, in your overheads this morning
19 you made reference to the example of Fish Habitat
20 Guidelines as an example of a manual providing that
21 kind of specific direction.

22 Could I ask you to provide me with a full
23 list of all manuals and provisions which contain what
24 the MNR considers to be specific directions for
25 specific prescriptions and specific conditions because,

1 quite frankly, I find this quite a vague section and I
2 would suggest to you that members of the public and
3 even the MNR personnel itself won't know what is meant
4 by specific directions, specific prescriptions and
5 specific conditions.

6 I am wondering if you at this point are
7 prepared to give me a list of the specificity that you
8 think would trigger this section?

9 A. You are right in your assessment, Mr.
10 Lindgren, that the list that has the specific cubed is
11 fairly short.

12 You will remember through negotiations
13 that you raised the same concern and we did endeavor to
14 search the implementation manuals to try to categorize
15 that kind of definitive direction and I think it made
16 us realize that the implementation manuals were never
17 designed for this kind of proposal, if you will.

18 I guess what I'm saying is that we have
19 determined that it is going to be necessary to revise
20 the guidelines to allow planners to understand when
21 documentation is going to be required and when it
22 isn't; in other words, to provide the kind of
23 specificity that is necessary and allowable given the
24 value that we are dealing with, to make that clear in
25 the manual so that there is understanding on the

1 planner's part when full documentation would be
2 required and when it would not be.

3 Q. Well, again, the Fish Habitat
4 Guidelines are the easy example, but are you telling me
5 at this point in time you can't provide me with a full
6 and complete list of the manuals that would trigger
7 this particular section?

8 A. Again, as I believe we indicated at
9 the time, that we were probably not talking about
10 complete manuals with the exception of the district
11 fisheries -- sorry, with the exception of the fisheries
12 guidelines, that we would be speaking of pieces of
13 manuals, that there would be a specific direction with
14 respect to some aspect of protection for a particular
15 value that we might be able to pull out as a specific
16 prescription that would not require full documentation.

17 We weren't speaking in terms of entire
18 manuals with the exception of fisheries.

19 In answer to your question directly, no,
20 we cannot give you a complete list of where the kind of
21 specific direction that we have indicated in this
22 proposal would require no documentation.

23 Q. Given that that's the case, Mr.
24 McNicol, will you undertake to produce a list of the
25 manuals or portions of manuals that you believe would

1 trigger this section or would fall under that
2 particular section?

3 A. To reiterate, I think our problems
4 lies in the implementation manuals themselves, that the
5 wording in the implementation manual does not provide
6 the kind of specificity that would trigger the
7 proposals that we are speaking of.

8 They are not crisp enough, it is not
9 clear enough to planners and we feel that a better way
10 of dealing with it is through the revision of manual
11 process and make it clear through better wording what
12 we are talking about and when those proposals can kick
13 in and when then can't.

14 Q. Then let me --

15 MR. FREIDIN: I guess if you were going
16 to persue this undertaking business I would say
17 something, but you might not so I will keep quiet.

18 MR. LINDGREN: Q. Let me conclude, Mr.
19 McNicol, with a similar question on the next component
20 of the AOC planning process. You have indicated that
21 where a particular manual contains a set of options or
22 recommendations if you encounter a particular condition
23 and if those conditions are present then you don't have
24 to do any further analysis of alternatives.

25 Again, I would ask you specifically, what

1 are the manuals or what are the recommendations within
2 those manuals that would provide I guess the basis for
3 this section to kick in?

4 MR. McNICOL: A. Sorry, Mr. Lindgren, I
5 should know my evidence better than that. What page
6 are you reading from?

7 Q. I am not reading from any particular
8 page. I was trying to summarize the other scenario
9 where an analysis of AOC alternatives is not required
10 and I believe it is where the manual provides certain
11 recommendations where you encounter certain conditions,
12 and I think you said this morning where you meet those
13 conditions you can choose one of the recommendations
14 without doing a full-blown analysis of alternatives; is
15 that correct?

16 A. Yes, you are quite correct, and I am
17 still looking for it in my evidence.

18 Q. Well, my question to you is simply
19 this, which manuals or which recommendations within
20 manuals would trigger that particular section?

21 A. Well, again, if you can understand
22 the difficulty in dealing with those areas that are
23 very specific, and we are having problems there with
24 respect to the implementation manuals being clear as to
25 when those specific circumstances -- this specific

1 prescription kicks in.

2 In those situations where we are looking
3 at recommendations given a certain set of
4 circumstances, again, the list of pieces of guidelines
5 that we could pull out is not great and we believe that
6 the answer to that particular problem is revision of
7 the guidelines to allow for that kind of specificity so
8 that planners understand what we are talking about.

9 MR. LINDGREN: Well, Mr. Freidin, perhaps
10 I can ask you. Is the Ministry prepared at this time
11 to undertake to produce a list of the manuals or
12 portions of manuals that would trigger each of the
13 sections, or is it the MNR's position that they can't
14 do so at this time?

15 MR. FREIDIN: My concern about such an
16 undertaking is that, first of all, Mr. McNicol has
17 indicated that there would have to be a revision.

18 More importantly, the protection that we
19 are concerned about here is whether in fact there is
20 going to be adequate documentation of decisions, and
21 given the absence of manuals at the present time
22 perhaps, or lots of them, which have a specific kind of
23 direction which would kick in based on overhead No. 20,
24 really what we end up with -- if we don't have any of
25 that kind of direction, what we have is a requirement

1 for full documentation which is exactly what FFT and
2 everybody wants or some people want.

3 So the list -- if this is something which
4 is going to happen, that's well and good, and when that
5 happens these specific provisions will kick in, but we
6 have the protection of the full documentation which is
7 provided for on page 21 of the overheads.

8 So I don't see that an undertaking is of
9 any assistance in addressing the real issue which is of
10 concern to the parties.

11 MR. LINDGREN: With respect, Madam Chair,
12 the concern that FFT has is that unless we get some
13 more specific direction as to what manuals trigger
14 these particular sections we may be faced with a very
15 real possibility that each and every one of the manuals
16 is going to be forced-fit into one or both of the
17 categories and we are not going to see any analysis of
18 any alternatives.

19 That's why we want some particulars as to
20 which manuals trigger this section, otherwise, quite
21 frankly, FFT and the Board is being asked to buy a pig
22 in a poke.

23 MR. McNICOL: Mr. Lindgren, I understand
24 your concern. I would suggest that that certainly was
25 not our intention, as I hope you would concur.

1 In response, all I can suggest is that
2 for the most commonly used manuals, for the values that
3 are most common on the landscape, and if you look at
4 any plan you will see that commonly we are dealing with
5 our provincially featured species, we are dealing with
6 moose and deer, locally featured species, threatened
7 and endangered, fisheries, for those, that smaller
8 suite of implementation manuals I would suggest that it
9 is possible to provide the kind of list that you are
10 requesting.

11 It is the larger suite of implementation
12 manuals that presents the problem, but I would suggest
13 to you that in essence there is not a problem because
14 it is not the larger suite of implementation manuals
15 that are commonly used. It is the smaller suite that
16 are most commonly used.

17 MR. LINDGREN: Q. Then if we can
18 conclude, Mr. McNicol, can you undertake to provide
19 that very list that you said is possible?

20 MR. McNICOL: A. We can do that.

21 MR. LINDGREN: A comment to Mr. Freidin
22 in light of his view that where there is some ambiguity
23 in the manuals then they are going to be subject to
24 full environmental analysis, is it the position of the
25 MNR, Mr. Freidin, that whenever a prescription is being

1 developed to something other than the moose guidelines
2 and the fish guidelines, then a full environmental
3 analysis of alternatives will be required pending
4 revision of those manuals?

5 MR. FREIDIN: Without getting into a
6 debate, sir, about what you mean by the word
7 environmental analysis, the response is where an
8 implementation manual does not contain the specific
9 types of direction referred to on overhead No. 20, then
10 the kind of environmental analysis which was described
11 by Mr. Bisschop and others in Panel 15 as part of the
12 AOC documentation process will be required.

13 MR. LINDGREN: Those are my questions,
14 Madam Chair.

15 MADAM CHAIR: Thank you very much, Mr.
16 Lindgren.

17 The Board did notice on your statement of
18 issues that you had thought of addressing with respect
19 to the MAD calculation. You were going to have MNR
20 address the maximum sustainable harvest and long-term
21 sustainable yield concepts that you had introduced in
22 your case. You decided not to do that?

23 MR. LINDGREN: That's correct, Madam
24 Chair. We identified that as an issue in dispute, but
25 not an issue subject to cross-examination.

1 It is our view there is an abundance of
2 evidence on that issue before the Board and we will
3 deal with that more expeditiously and more efficiently
4 by way of final argument.

5 MADAM CHAIR: All right. Thank you very
6 much.

7 Ms. Gillespie, how long will you be in
8 cross-examination?

9 MS. GILLESPIE: Madam Chair, I think that
10 we will be about an hour in cross-examination.

11 MADAM CHAIR: Okay. Mr. Freidin, how
12 long will you be in re-examination, if at all?

13 MR. FREIDIN: Based on what has happened
14 so far about five minutes.

15 MADAM CHAIR: All right. Why don't we
16 take our lunch break now and come back and finish the
17 cross-examination.

18 Is your Panel No. 2 here, Mr. Freidin?
19 Is your panel here, Mr. Freidin?

20 MR. FREIDIN: No. All the witnesses
21 aren't here. We felt confident that we would finish
22 close to the end of today so they are arriving in time
23 to start first thing tomorrow morning.

24 MADAM CHAIR: All right, that's fine.
25 When we finish the Panel 1 evidence we will stop for

1 the day.

2 ---Luncheon recess at 12:00 p.m.

3 ---Whereupon the hearing was adjourned at 1:35 p.m., to
4 be reconvened on Monday, June 15, 1992.

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